

SC/A-22:174 – 68 Seabreeze Crescent, 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):

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

SC/A-22:174 – 68 Seabreeze Crescent, Stoney Creek

PLANNING and ECONOMIC DEVELOPMENT DEPARTMENT

Development Planning – Suburban

The application is to permit the development of a new two-storey addition to the existing single detached dwelling, notwithstanding that:

1. A minimum front yard of 6.0 metres shall be permitted, instead of the minimum required front yard of 7.5 metres.

Background

The subject lands are located within a Hamilton Conservation Authority Regulated Area. The Hamilton Conservation Authority has requested a rear yard setback greater than the 7.5 metre required rear yard setback as per the Rural Residential “RR” zone requirements. To comply with the Hamilton Conservation Authority rear yard setback, the applicant is proposing the new dwelling have 2 storeys and to maintain 294.4 sq. metres (966 feet), the proposed dwelling would encroach into the 7.5 metre front yard setback.

Archaeology

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

- 1) Within 300 metres of a primary watercourse or permanent waterbody, 200 metres of a secondary watercourse or seasonal waterbody, or 300 metres of a prehistoric watercourse or permanent waterbody; and,
- 2) In an area of sandy soil in areas of clay or stone.

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

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

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

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). The subject lands are within the Trillium Neighbourhood Secondary Plan and designated "Low Density Residential 2b" on Land Map B.7.3-1 (UHOP – Volume 2). Policy B.7.3.1.3.a applies and permits single, semi detached, and duplex dwellings.

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

The subject lands are zoned Rural Residential "RR". The zoning permits the use of single detached dwellings and structures accessory thereto, in accordance with the applicable provisions.

The Rural Residential zone provides Regulations for Existing Lots permitting a minimum front yard of 7.5 metres on all lots created prior to the passing of the Zoning By-Law No. 3692-92, as Amended By-law 15-173.

Variance 1 (Reduce Minimum Front Yard Setback)

A minimum front yard setback of 6.0 metres is proposed whereas a minimum of 7.5 metres is required. The existing dwelling unit, as noted by the dashed line on the Site Plan, is setback 4.33 metres from the front lot line and the proposed two storey dwelling unit is setback further at 6.07 metres. The dwellings to the east (No. 72 and No. 74) are also set closer than the required minimum of 7.5 metres. In staff's opinion, the reduced front yard setback will not negatively impact the streetscape or character of the existing neighbourhood. Staff supports this variance.

Recommendation:

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

If this variance is approved, the proponent must be advised by the Committee of Adjustment as follows:

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

notified immediately (416-212-8886). In the event that human remains are encountered during construction, the proponent should immediately contact both MHSTCI and the Registrar or Deputy Registrar of the Cemeteries Regulation Unit of the Ministry of Government and Consumer Services (416-212-7499)."

Zoning:

1. Please note that the circulated variance notice described the proposal as following: "So as to permit the development of a new two-storey addition to the existing single detached dwelling, notwithstanding that:" The description of the proposal should be revised to read as follows: "So as to permit the construction of a new two-storey single detached dwelling, notwithstanding that:"
2. A demolition permit is required for the demolition of the existing single-family dwelling and may be required for the demolition of the existing accessory structure (i.e. framed garage).
3. Please be advised that a portion of this property is under Conservation Management. Please contact Hamilton Conservation for further information.
4. Please note that the submitted elevation drawings included as part of this application, indicate a building height of 9.76 metres. However, the height indicated does not appear to indicate "Building Height" and "Grade" as established by Stoney Creek Zoning By-law No. 36920-92; therefore, the height of the proposed building cannot be confirmed to establish zoning compliance. Please note that as per Section 5.4.3(f), the maximum permitted building height is 11.0 metres. Further variances may be required if compliance with Section 5.4.3(f) is not possible.
5. Please note that specific details regarding parking on the lot were not included on the submitted Site Plan; therefore, parking has not been reviewed for zoning compliance. Additional variances may be required if compliance with Stoney Creek Zoning By-law No. 3692-92 is not possible. Note that as per Section 5.4.3(i), two (2) parking spaces are required, one of which may be located in the required front yard.
6. Be advised that the access driveway widths of 4.5m (one-way) and 6.0m (two-way), as required by Section 4.10.5, are not applicable to single detached, duplex, semi-detached and street townhouse dwellings which have individual driveways. Therefore, the variance requested by the applicant to permit a maximum driveway width of 7.51 metres, whereas only 6.0 metres is permitted, is not required. Further, note that Section 4.10.5 establishes that ingress and egress directly to and from every parking space shall be by means of a driveway, lane or aisle having a minimum width of 6 metres, as opposed to a maximum as indicated the submitted application and the requested variance. Note that the minimum driveway length to accommodate a parking space for a single detached dwelling is 5.8 metres i.e. the minimum length of a parking space as established by Section 4.10.3(a).

7. Please note that the specific projection of the proposed eaves/gutters was not indicated on the materials included as part of this application. Additional variances may be required if compliance with Section 4.19.1(b) is not possible.
8. Please note that should the variance to permit a minimum front yard of 6.0 metres be approved, an unenclosed porch, including steps, may project a maximum of 1.5 metres into the newly established front yard. Note that the Site Plan provided does not indicate the distance from the steps associated with the unenclosed porch to the front lot line. Additional variances may be required if compliance with Section 4.19.1(d) is not possible.
9. Construction of the proposed development is subject to the issuance of a building permit in the normal manner. Be advised that Ontario Building Code regulations may require specific setbacks and construction types

Development Engineering:

No comments.

See attached for additional comments.

From: [Cathy Plosz](#)
To: [Committee of adjustment](#)
Cc: [Evans, Morgan](#)
Subject: Committee of Adjustment (June 23 Agenda)
Date: Tuesday, June 21, 2022 11:41:28 AM
Attachments: [image001.png](#)

Hi Morgan,

I apologize for being late with HCA's comments for this agenda. I have provided brief comments below.

HM/B-22:40 – 289 Stone Church Road East, Hamilton. The owner proposes to sever a 3.41 ha property which is currently vacant for future development. The property is not currently regulated by HCA. However, the proposed severed lands contain a Core Area (Significant Woodland) identified by the City of Hamilton in its Natural Heritage System in the Urban Hamilton Official Plan (UHOP). Karst features have also been observed in the surrounding area. Therefore, any proposed future development may require environmental studies, including an Environmental Impact Statement (EIS) and a karst assessment. However, HCA has no objection to the proposed severance.

HM/A-22:166 - 1411-1415 Upper Wellington – The proposed variance is to permit the lands at 261 Stone Church Road East to use 15 parking spaces and accessory uses proposed at 1411 and 1415 Upper Wellington Street. HCA has previously provided comments on the site plan (DA-22-040) and will continue to address concerns through this process. Therefore, HCA has no objection to the proposed variance.

FL/B-20:46 - 13 Herbert Place, Flamborough –The applicant proposes to sever the property into two residential lots. Part 1 retained lands are 4,425.5 m² (existing home) and Part 2 severed lands are 0.85 ha (vacant). This property was the subject of two previous severance applications (FL/B-09:23 and FL/B-03:46). HCA understands that the previous application was approved with conditions but the application has lapsed. The property does not contain any natural hazard lands or natural heritage features and is not affected by the Hamilton Conservation Authority's Development, Interference with Wetlands, and Alterations to Shorelines and Watercourses Regulation 161/06. Therefore, future development on the severed parcel will not require a permit from HCA. HCA has no objection to the proposed severance.

SC/A-22:174 - 68 Seabreeze Crescent, Stoney Creek. The property is affected by HCA's Development, Interference with Wetlands, and Alteration to Shorelines and Watercourses Regulation 161/06 made under the Conservation Authorities Act, R.S. O. 1990 due to flood and erosion hazards associated with the Lake Ontario shoreline. According to Provincial and HCA natural hazards policy, any future house construction must be outside of these hazards. The applicant has previously submitted a Permit application to HCA, and was advised that a shoreline erosion setback of 24.6 metres is required and that HCA policy also requires a 6 metre side yard access to allow future access to the shore wall for maintenance. The plan is now showing a 26.18 m shoreline erosion setback and a 4.5 metre erosion access allowance for maintenance of the shore wall. HCA is generally satisfied with the proposed plan. A permit from HCA will be required prior to any proposed development or site alteration.

If you have any questions about these comments, please let me know. Since the comments are relatively brief, and HCA concerns are being addressed through other planning processes, review fees are not required.

Cathy Plosz, M.Sc., MCIP, RPP

Senior Planner, Watershed Management Services

Hamilton Conservation Authority

838 Mineral Springs Road, P.O. Box 81067

Ancaster, ON L9G 4X1

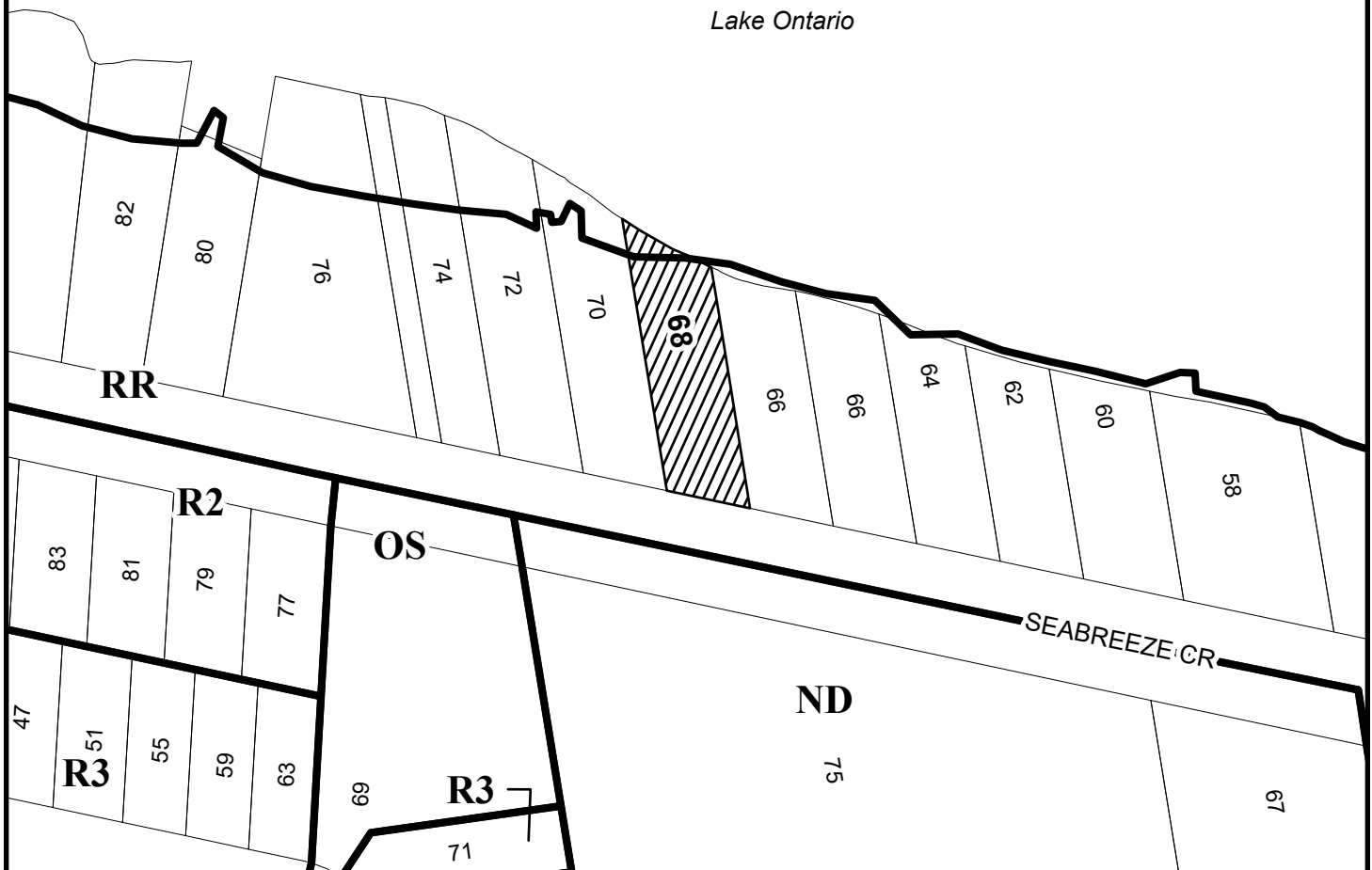
Phone 905-525-2181 Ext. 132

Email cathy.plosz@conservationhamilton.ca

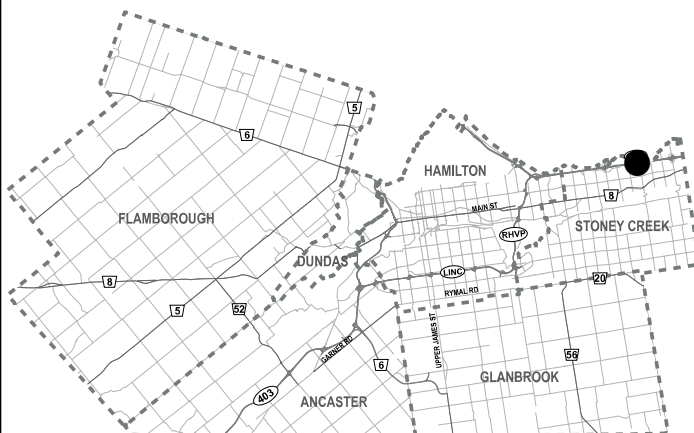




Lake Ontario



● Site Location



City of Hamilton

Committee of Adjustment

Subject Property



68 Seabreeze Crescent,
Stoney Creek (Ward 10)

File Name/Number:

SC/A-22:174

Date:

June 13, 2022

Technician:

VS

Map Not To Scale

Appendix "A"



Hamilton

PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT

HM/B-22:45 – 647 Rymal Rd. W., Hamilton

Consolidation Report

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

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

1. The owner shall submit a deposited Ontario Land Surveyor's Reference Plan to the Committee of Adjustment Office, unless exempted by the Land Registrar. The reference plan must be submitted in pdf and also submitted in CAD format, drawn at true scale and location and tied to the City corporate coordinate system. (Committee of Adjustment Section)
2. The owner shall pay any outstanding realty taxes and/or all other charges owing to the City Treasurer. (Committee of Adjustment Section)
3. The owner submits to the Committee of Adjustment office an administration fee, payable to the City of Hamilton, to cover the costs of setting up a new tax account for each newly created lot. (Committee of Adjustment Section)
4. The owner shall comply with Ontario Building Code requirements regarding spatial separation distances of any structures. Compliance to be confirmed by the Planning and Economic Development Department (Building Division – Plan Examination Section).
5. The owner shall submit survey evidence that the lands to be retained provide adequate parking and 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 (Planning Division – Zoning Examination Section).
6. 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 (Planning Division – Zoning Examination Section).
7. That the Owner enter into with the City of Hamilton and register on title of the lands, a **Consent Agreement**, having an administrative fee of \$4,500.00 (2022 fee) to address issues including but not limited to: payment of any outstanding servicing costs assessed to the property, 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 future road urbanization, street trees (City policy requires one (1) street tree/lot, , 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 Section)

8. That the proponent shall carry out an archaeological assessment of the portion of the property to be severed 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)."

9. That the owner submits and receive approval of a Tree Protection Plan for the lands to be retained, including the review fee as per the Schedule of Rates and Fees, prepared by a qualified tree management professional (i.e. certified arborist, registered professional forester or landscape architect), to the satisfaction of the Manager of Heritage & Urban Design.
10. That final and binding approval of Minor Variance application HM/A-22:177 be received, to the satisfaction of the Manager of Zoning and Committee of Adjustments.

Note: The applicant should be notified that any new driveway or an access entrance, relocation of an existing driveway and/or the access entrance or required alteration to a driveway design or the access entrance, will require a Residential Access Permit. The applicant is responsible for the application fee of the Access Permit, as well as the installation of any new approach ramp/access and or any modification to any existing approach ramp. Abandoned driveway approach ramps must be restored to curb/sidewalk at the expense of the applicant. Further information and applications are available from the Parking Investigator at Hamilton Municipal Parking System (905-546-2424 x4578 or parking@hamilton.ca).

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 be assigned the address of 1210 Upper Paradise Road (Hamilton) and the lands to be conveyed (Part 1) will be assigned the address of 1206 Upper Paradise Road (Hamilton). If at a future date it is discovered that the main entry of the house to be constructed on the conveyed lands will face Rymal Road West, an address change will be 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. (Forestry Section)

HM/B-22:45 – 647 Rymal Rd. W., Hamilton**PLANNING and ECONOMIC DEVELOPMENT DEPARTMENT****Development Planning – Suburban**

The purpose of severance application HM/B-22:45 is to permit the conveyance of a parcel of land and to retain a parcel of land for residential purposes with the following dimensions for the severed and retained lands:

	Frontage	Depth	Area
SEVERED LANDS:	19.84 m [±]	39.35 m [±]	827.5 m ^{2±}
RETAINED LANDS:	41.1 m [±]	22.86 m [±]	939.4 m ^{2±}

Table 1

In order to permit the conveyance of land in accordance with land severance application HM/B-22:45, the following variances are requested:

Lands to be Severed (Part 1):

1. A lot width of 19.5m shall be provided instead of the minimum required 20.0m lot width.
2. A lot area of 825 square metres shall be provided instead of the minimum required 1100.0 square metre lot area.

Lands to be Retained (Part 2):

1. A front yard depth of 3.1m shall be provided instead of the minimum required 12.0m front yard depth.
2. A northerly side yard width of 1.5m shall be provided instead of the minimum required 3.0m side yard width.
3. A rear yard depth of 5.0m shall be provided instead of the minimum required 9.0m rear yard depth.
4. A lot area of 935 square metres shall be provided instead of the minimum required 1100.0 square metre lot area.

Archaeology

The subject property meets four (4) 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 250 metres of known archaeological sites;

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

These criteria define the property as having archaeological potential. Accordingly, Section 2 (d) of the *Planning Act* and Section 2.6.2 of the *Provincial Policy Statement* apply to the subject application. If this severance is granted, Staff require that the Committee of Adjustment attach the following condition to the application:

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

Urban Official Plan

The subject lands are identified as “Neighbourhoods” along a “Secondary Corridor” on Schedule “E” - Urban Structure and “Neighbourhoods” on Schedule “E-1” - Urban Land Use Designations in the Urban Hamilton Official Plan (UHOP).

The following policies amongst others, are applicable:

F.1.14.3.1 Consents for new lot creation, for both the severed and retained lands, for residential uses in the Neighbourhoods designation shown on Map E-1 – Urban Land Use Designation, shall be permitted provided the following conditions are met:

- a) The lots comply with the policies of this Plan, including secondary plans, where one exists;
- b) The lots comply with existing Neighbourhood Plans;
- c) The lots are in conformity with the Zoning By-law or a minor variance is approved;

The proposal is a form of Residential Intensification, and accordingly, it has been evaluated based on the policies of Sections B.2.4.1.4 and B.2.4.2.2 (UHOP Volume 1). The surrounding neighbourhood consists primarily of single detached dwellings that are on lots with frontage, depth, and lot area that are comparable to the subject lands.

New lots for residential uses in the “Neighbourhoods” designation are permitted when they meet the criteria of F.1.14.3.1 (UHOP Volume 1). It is the opinion of staff that the proposed development is compatible with the surrounding area in terms of use and size. The proposed lots will integrate well with the lot pattern of the neighbourhood and are of adequate size to support a residential building footprint. Moreover, the consent will allow for residential intensification that is consistent with the established streetscape in accordance with the objectives of Section B.2.4.2– Residential Intensification, and as required by Policy E.3.2.4 of the UHOP.

Natural Heritage:

The subject lands contain existing trees which may conflict with the proposed development. A Tree Protection Plan and associated Landscape Plan showing required compensation would need to be submitted for review and approval in order to conform with Policy C.2.11.1 Tree and Woodland Protection of the UHOP.

City of Hamilton Zoning By-law No. 6593

The subject lands are zoned Suburban Agriculture and Residential, Etc. “B” District which permits the use of single detached dwellings and structures accessory thereto, in accordance with the applicable provisions.

The proposed lots are deficient in lot width and lot area along with minimum setbacks. The regulations of the “B” District are as follows:

Regulation	Requirement
Minimum Lot Area	1,100 square metres
Minimum Lot Frontage	20.0 metres
Minimum Front Yard Depth	12.0 metres
Minimum Side Yard Width	3.0 metres
Minimum Rear Yard Depth	9.0 metres

Variances for the Lands to be Severed (Part 1)

Variance 1 (Lot Width)

The applicant is proposing to reduce the required minimum lot width from 20.0 metres to 19.5 metres. Staff are satisfied that the reduction in proposed lot width is minor, compatible with the other lots in the “B” District of this neighbourhood and follow the intent of the Zoning By-law and Official Plan.

Staff notes that the applicant should be notified that any new driveway or an access entrance, relocation of an existing driveway and/or the access entrance or required alteration to a driveway design or the access entrance, will require a Residential Access

Permit. It is the applicant's responsibility to be able to obtain a permit for the driveway for severed portion. Staff recommends that the new driveway entrance be off Upper Paradise Road and in close proximity to the existing driveway of the single detached dwelling.

Variance 2 (Lot Area)

The proposed area for the severed lot is 885 square metre, while the required minimum lot area is 1100.0 square metre. Lot size is comparable to other lots in the neighbourhood. Staff are satisfied that the proposed lot area will provide sufficient lot area to accommodate a building envelope, drainage, parking, and landscaping.

Variances for Lands to be Retained (Part 2)

Variance 1 (Front Yard)

The applicant is proposing a front yard depth of 3.1m be provided instead of the minimum required 12.0m front yard depth. The existing single detached dwelling will remain on the retained lot and the frontage for this proposed lot will be on Upper Paradise Road, hence why the severance triggers many setback variances. The existing driveway has sufficient parking space and has an attached garage to facilitate parking for up to 3 cars. Staff is satisfied with this variance. Any drainage concerns are differed to Development Engineering.

Variance 2 (Side Yard)

The applicant is proposing a northerly side yard width of 1.5m be provided instead of the minimum required 3.0m side yard width. The proposed side yard is consistent with the setbacks of the residential dwellings on redeveloped lots along the street and maintains the neighbourhood character. Staff are satisfied that the proposed setback provides adequate space for safe access and maintenance purposes, and that the reduced setback to allow the new dwelling will have negligible impact on streetscape and character.

Variance 3 (Rear Yard)

The applicant is proposing a rear yard depth of 5.0m instead of the minimum required 9.0m rear yard depth. As previously mentioned, existing single detached dwelling will remain on the retained lot and the frontage for this proposed lot will be on Upper Paradise Road, hence why the severance triggers many setback variances. The retained lot will have sufficient amenity space within the southerly side yard. Staff are satisfied that the reduction in rear yard setback.

Variance 4 (Lot Area)

The proposed area for the retained lot is 935 square metre, while the required minimum lot area is 1100.0 square metre. The proposed lot area is compatible with other lots

located along Rymal Road West and Upper Paradise Road. Staff are satisfied that the reduction in proposed lot area is minor, compatible with the other lots in this neighbourhood and follow the intent of the Zoning By-law and Official Plan. Staff recommends this variance to be approved.

Recommendation:

Having regard for the matters under subsections 45(1) of the *Planning Act*, staff are satisfied that the proposed variances for the severed lands and retained lands will not have an adverse effect on the surrounding properties. Staff are also satisfied that the purpose and intent of the Urban Hamilton Official Plan and Zoning By-law is maintained, that the variance is desirable for the appropriate development of the land and is minor in nature. Staff recommends that the requested variance, as outlined in the Notice of Hearing, be **approved**.

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

If approved by Committee of Adjustment, HM/B-22:45 is subject to the following conditions and notes:

1. That the owner submits and receive approval of a Tree Protection Plan for the lands to be retained, including the review fee as per the Schedule of Rates and Fees, prepared by a qualified tree management professional (i.e. certified arborist, registered professional forester or landscape architect), to the satisfaction of the Manager of Heritage & Urban Design.
2. That final and binding approval of Minor Variance application HM/A-22:177 be received, to the satisfaction of the Manager of Zoning and Committee of Adjustments.
3. That the proponent shall carry out an archaeological assessment of the portion of the property to be severed 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).”

Notes:

1. The applicant should be notified that any new driveway or an access entrance, relocation of an existing driveway and/or the access entrance or required alteration to a driveway design or the access entrance, will require a Residential Access Permit. The applicant is responsible for the application fee of the Access Permit, as well as the installation of any new approach ramp/access and or any modification to any existing approach ramp. Abandoned driveway approach ramps must be restored to curb/sidewalk at the expense of the applicant. Further information and applications are available from the Parking Investigator at Hamilton Municipal Parking System (905-546-2424 x4578 or parkingq@hamilton.ca).

Zoning:

1. The applicant should obtain an appropriate municipal address for the proposed parcel(s) from the Growth Planning Section of the Planning and Economic Development Department prior to the issuance of a building permit.
2. In order to clear conditions, the applicant will be required to make application for Ontario Building Code compliance and pay the relevant fees.
3. In order to clear conditions, the applicant will be required to make application for a Zoning Compliance Review and pay the relevant fees.
4. A Minor Variance Application (HM/A-22:177) has been applied for in order to permit a reduced lot area for each proposed lot and a reduced lot width for the lands to be severed. Further variances have also been requested to permit the location of the existing building on the retained lands.
5. The owner shall ensure that sufficient parking is provided/maintained on the retained lands and are provided in accordance with the regulations contained within Section 18A of Hamilton Zoning By-law 6593. As a condition of this application, the owner is required to confirm that parking and landscaping requirements have been complied with, otherwise further variances may be required.
6. Any future construction on the lands to be severed shall conform to the requirements of the ‘B’ district of Hamilton Zoning By-law 6593.

CONDITIONS:

1. The owner shall comply with Ontario Building Code requirements regarding spatial separation distances of any structures. Compliance to be confirmed by the Planning and Economic Development Department (Building Division – Plan Examination Section).
2. The owner shall submit survey evidence that the lands to be retained provide adequate parking and 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 (Planning Division – Zoning Examination Section).
3. The owner shall receive final approval of any necessary variances from the requirements of the Zoning By-law as determined necessary by the Planning and Economic Development Department (Planning Division – Zoning Examination Section).

Development Engineering:

Information:

- 1) The existing municipal infrastructure fronting the subject properties is as follows:

Rymal Road West

- 250mmø Sanitary Sewer @ ±1.0%
- 300mmø Ductile Iron Watermain
- 300mmø Cast Iron Watermain (approximately 5.0m segment between watermain fronting Rymal Road West and Upper Paradise Road)
- 600mm Concrete Watermain (north side, transmission watermain – service connections are not permitted)

Upper Paradise Road

- 300mmø Sanitary Sewer @ ±1.0%
- 1200mmø Storm Sewer @ ±0.3%
- 300mmø Ductile Iron Watermain

Required Conditions:

- 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 \$4,500.00 (2022 fee) to address issues including but not limited to: payment of any outstanding servicing costs assessed to the property, 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 future road urbanization, street trees (City policy requires one (1) street

tree/lot, , 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 Management:

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 be assigned the address of 1210 Upper Paradise Road (Hamilton) and the lands to be conveyed (Part 1) will be assigned the address of 1206 Upper Paradise Road (Hamilton). If at a future date it is discovered that the main entry of the house to be constructed on the conveyed lands will face Rymal Road West, an address change will be required.

Transportation Planning:

1. Transportation Planning has no objection to the land severance application.
2. Additional Information: Transportation Planning notes that the single car driveway access for the property should be as far away from the intersection of Upper Paradise & Rymal Road west as possible. The design of building envelopment should be strategic in consideration of this.

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: June 17, 2022

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: 647 Rymal Road W., Hamilton.
File: HM/B-22:45

PREAMBLE

In response to your Agenda listing for the upcoming meeting on Thursday, June 23, 2022, 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. Email urbanforest@hamilton.ca for questions or public tree permit 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

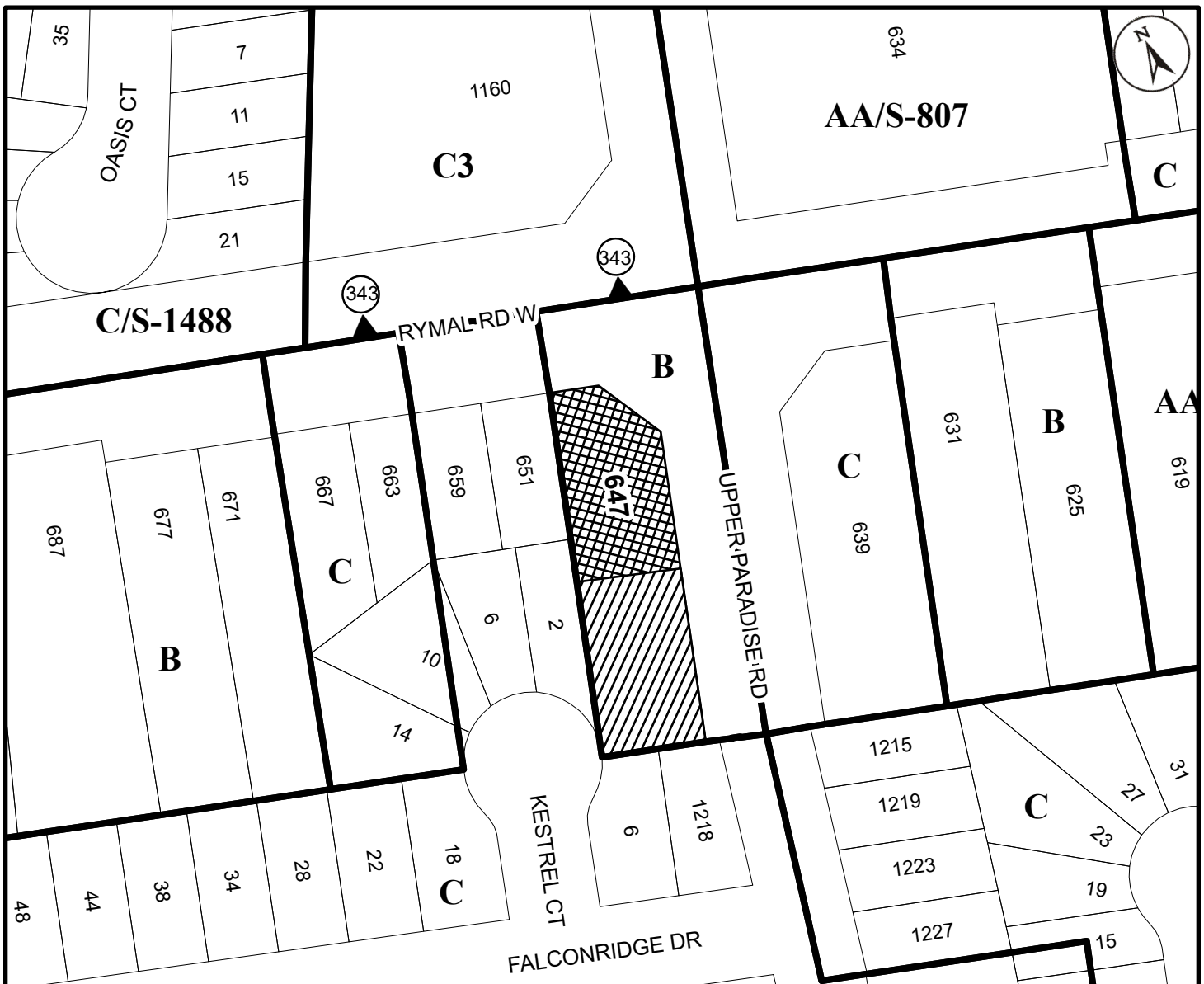
- There are Municipal Tree Assets on site, although no impacts are anticipated therefore no Tree Management Plan or Landscape plan is required.
- Note: Prior to a person performing any work on, in or around a public tree an application for a permit shall be submitted to the Director.

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.

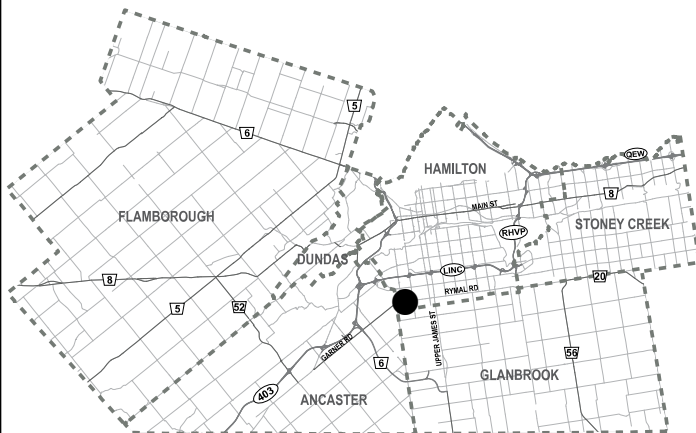
Regards,

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

Sam Brush
Urban Forest Health Technician



● Site Location



City of Hamilton

Committee of Adjustment

Subject Property

647 Rymal Road West, Hamilton (Ward 14)



Lands to be Retained



Lands to be Severed

File Name/Number:

HM/B-22:45

Date:

June 13, 2022

Technician:

VS

Map Not To Scale

Appendix "A"



Hamilton

PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT

HM/A-22:177 – 647 Rymal Rd. W., Hamilton

Consolidation Report

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

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

Note: The applicant should be notified that any new driveway or an access entrance, relocation of an existing driveway and/or the access entrance or required alteration to a driveway design or the access entrance, will require a Residential Access Permit. The applicant is responsible for the application fee of the Access Permit, as well as the installation of any new approach ramp/access and or any modification to any existing approach ramp. Abandoned driveway approach ramps must be restored to curb/sidewalk at the expense of the applicant. Further information and applications are available from the Parking Investigator at Hamilton Municipal Parking System (905-546-2424 x4578 or parkingq@hamilton.ca).

HM/A-22:177 – 647 Rymal Rd. W., Hamilton**PLANNING and ECONOMIC DEVELOPMENT DEPARTMENT****Development Planning – Suburban**

The purpose of severance application HM/B-22:45 is to permit the conveyance of a parcel of land and to retain a parcel of land for residential purposes with the following dimensions for the severed and retained lands:

	Frontage	Depth	Area
SEVERED LANDS:	19.84 m [±]	39.35 m [±]	827.5 m ^{2±}
RETAINED LANDS:	41.1 m [±]	22.86 m [±]	939.4 m ^{2±}

Table 1

In order to permit the conveyance of land in accordance with land severance application HM/B-22:45, the following variances are requested:

Lands to be Severed (Part 1):

1. A lot width of 19.5m shall be provided instead of the minimum required 20.0m lot width.
2. A lot area of 825 square metres shall be provided instead of the minimum required 1100.0 square metre lot area.

Lands to be Retained (Part 2):

1. A front yard depth of 3.1m shall be provided instead of the minimum required 12.0m front yard depth.
2. A northerly side yard width of 1.5m shall be provided instead of the minimum required 3.0m side yard width.
3. A rear yard depth of 5.0m shall be provided instead of the minimum required 9.0m rear yard depth.
4. A lot area of 935 square metres shall be provided instead of the minimum required 1100.0 square metre lot area.

Archaeology

The subject property meets four (4) of the ten criteria used by the City of Hamilton and Ministry of Heritage, Sport, Tourism and Culture Industries for determining archaeological potential:

- 5) Within 250 metres of known archaeological sites;

- 6) 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;
- 7) In areas of pioneer EuroCanadian settlement; and,
- 8) 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 require that the Committee of Adjustment attach the following condition to the application:

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

Urban Official Plan

The subject lands are identified as “Neighbourhoods” along a “Secondary Corridor” on Schedule “E” - Urban Structure and “Neighbourhoods” on Schedule “E-1” - Urban Land Use Designations in the Urban Hamilton Official Plan (UHOP).

The following policies amongst others, are applicable:

F.1.14.3.1 Consents for new lot creation, for both the severed and retained lands, for residential uses in the Neighbourhoods designation shown on Map E-1 – Urban Land Use Designation, shall be permitted provided the following conditions are met:

- a) The lots comply with the policies of this Plan, including secondary plans, where one exists;
- b) The lots comply with existing Neighbourhood Plans;
- c) The lots are in conformity with the Zoning By-law or a minor variance is approved;

The proposal is a form of Residential Intensification, and accordingly, it has been evaluated based on the policies of Sections B.2.4.1.4 and B.2.4.2.2 (UHOP Volume 1). The surrounding neighbourhood consists primarily of single detached dwellings that are on lots with frontage, depth, and lot area that are comparable to the subject lands.

New lots for residential uses in the “Neighbourhoods” designation are permitted when they meet the criteria of F.1.14.3.1 (UHOP Volume 1). It is the opinion of staff that the proposed development is compatible with the surrounding area in terms of use and size. The proposed lots will integrate well with the lot pattern of the neighbourhood and are of adequate size to support a residential building footprint. Moreover, the consent will allow for residential intensification that is consistent with the established streetscape in accordance with the objectives of Section B.2.4.2– Residential Intensification, and as required by Policy E.3.2.4 of the UHOP.

Natural Heritage:

The subject lands contain existing trees which may conflict with the proposed development. A Tree Protection Plan and associated Landscape Plan showing required compensation would need to be submitted for review and approval in order to conform with Policy C.2.11.1 Tree and Woodland Protection of the UHOP.

City of Hamilton Zoning By-law No. 6593

The subject lands are zoned Suburban Agriculture and Residential, Etc. “B” District which permits the use of single detached dwellings and structures accessory thereto, in accordance with the applicable provisions.

The proposed lots are deficient in lot width and lot area along with minimum setbacks. The regulations of the “B” District are as follows:

Regulation	Requirement
Minimum Lot Area	1,100 square metres
Minimum Lot Frontage	20.0 metres
Minimum Front Yard Depth	12.0 metres
Minimum Side Yard Width	3.0 metres
Minimum Rear Yard Depth	9.0 metres

Variances for the Lands to be Severed (Part 1)

Variance 1 (Lot Width)

The applicant is proposing to reduce the required minimum lot width from 20.0 metres to 19.5 metres. Staff are satisfied that the reduction in proposed lot width is minor, compatible with the other lots in the “B” District of this neighbourhood and follow the intent of the Zoning By-law and Official Plan.

Staff notes that the applicant should be notified that any new driveway or an access entrance, relocation of an existing driveway and/or the access entrance or required alteration to a driveway design or the access entrance, will require a Residential Access Permit. It is the applicant’s responsibility to be able to obtain a permit for the driveway for

severed portion. Staff recommends that the new driveway entrance be off Upper Paradise Road and in close proximity to the existing driveway of the single detached dwelling.

Variance 2 (Lot Area)

The proposed area for the severed lot is 885 square metre, while the required minimum lot area is 1100.0 square metre. Lot size is comparable to other lots in the neighbourhood. Staff are satisfied that the proposed lot area will provide sufficient lot area to accommodate a building envelope, drainage, parking, and landscaping.

Variances for Lands to be Retained (Part 2)

Variance 1 (Front Yard)

The applicant is proposing a front yard depth of 3.1m be provided instead of the minimum required 12.0m front yard depth. The existing single detached dwelling will remain on the retained lot and the frontage for this proposed lot will be on Upper Paradise Road, hence why the severance triggers many setback variances. The existing driveway has sufficient parking space and has an attached garage to facilitate parking for up to 3 cars. Staff is satisfied with this variance. Any drainage concerns are deferred to Development Engineering.

Variance 2 (Side Yard)

The applicant is proposing a northerly side yard width of 1.5m be provided instead of the minimum required 3.0m side yard width. The proposed side yard is consistent with the setbacks of the residential dwellings on redeveloped lots along the street and maintains the neighbourhood character. Staff are satisfied that the proposed setback provides adequate space for safe access and maintenance purposes, and that the reduced setback to allow the new dwelling will have negligible impact on streetscape and character.

Variance 3 (Rear Yard)

The applicant is proposing a rear yard depth of 5.0m instead of the minimum required 9.0m rear yard depth. As previously mentioned, existing single detached dwelling will remain on the retained lot and the frontage for this proposed lot will be on Upper Paradise Road, hence why the severance triggers many setback variances. The retained lot will have sufficient amenity space within the southerly side yard. Staff are satisfied that the reduction in rear yard setback.

Variance 4 (Lot Area)

The proposed area for the retained lot is 935 square metre, while the required minimum lot area is 1100.0 square metre. The proposed lot area is compatible with other lots located along Rymal Road West and Upper Paradise Road. Staff are satisfied that the reduction in proposed lot area is minor, compatible with the other lots in this neighbourhood and follow the intent of the Zoning By-law and Official Plan. Staff recommends this variance to be approved.

Recommendation:

Having regard for the matters under subsections 45(1) of the *Planning Act*, staff are satisfied that the proposed variances for the severed lands and retained lands will not have an adverse effect on the surrounding properties. Staff are also satisfied that the purpose and intent of the Urban Hamilton Official Plan and Zoning By-law is maintained, that the variance is desirable for the appropriate development of the land and is minor in nature. Staff recommends that the requested variance, as outlined in the Notice of Hearing, be **approved**.

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

If approved by Committee of Adjustment, HM/B-22:45 is subject to the following conditions and notes:

1. That the owner submits and receive approval of a Tree Protection Plan for the lands to be retained, including the review fee as per the Schedule of Rates and Fees, prepared by a qualified tree management professional (i.e. certified arborist, registered professional forester or landscape architect), to the satisfaction of the Manager of Heritage & Urban Design.
2. That final and binding approval of Minor Variance application HM/A-22:177 be received, to the satisfaction of the Manager of Zoning and Committee of Adjustments.
3. That the proponent shall carry out an archaeological assessment of the portion of the property to be severed 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)."

Notes:

1. The applicant should be notified that any new driveway or an access entrance, relocation of an existing driveway and/or the access entrance or required alteration to a driveway design or the access entrance, will require a Residential Access Permit. The applicant is responsible for the application fee of the Access Permit, as well as the installation of any new approach ramp/access and or any modification to any existing approach ramp. Abandoned driveway approach ramps must be restored to curb/sidewalk at the expense of the applicant. Further information and applications are available from the Parking Investigator at Hamilton Municipal Parking System (905-546-2424 x4578 or parking@hamilton.ca).

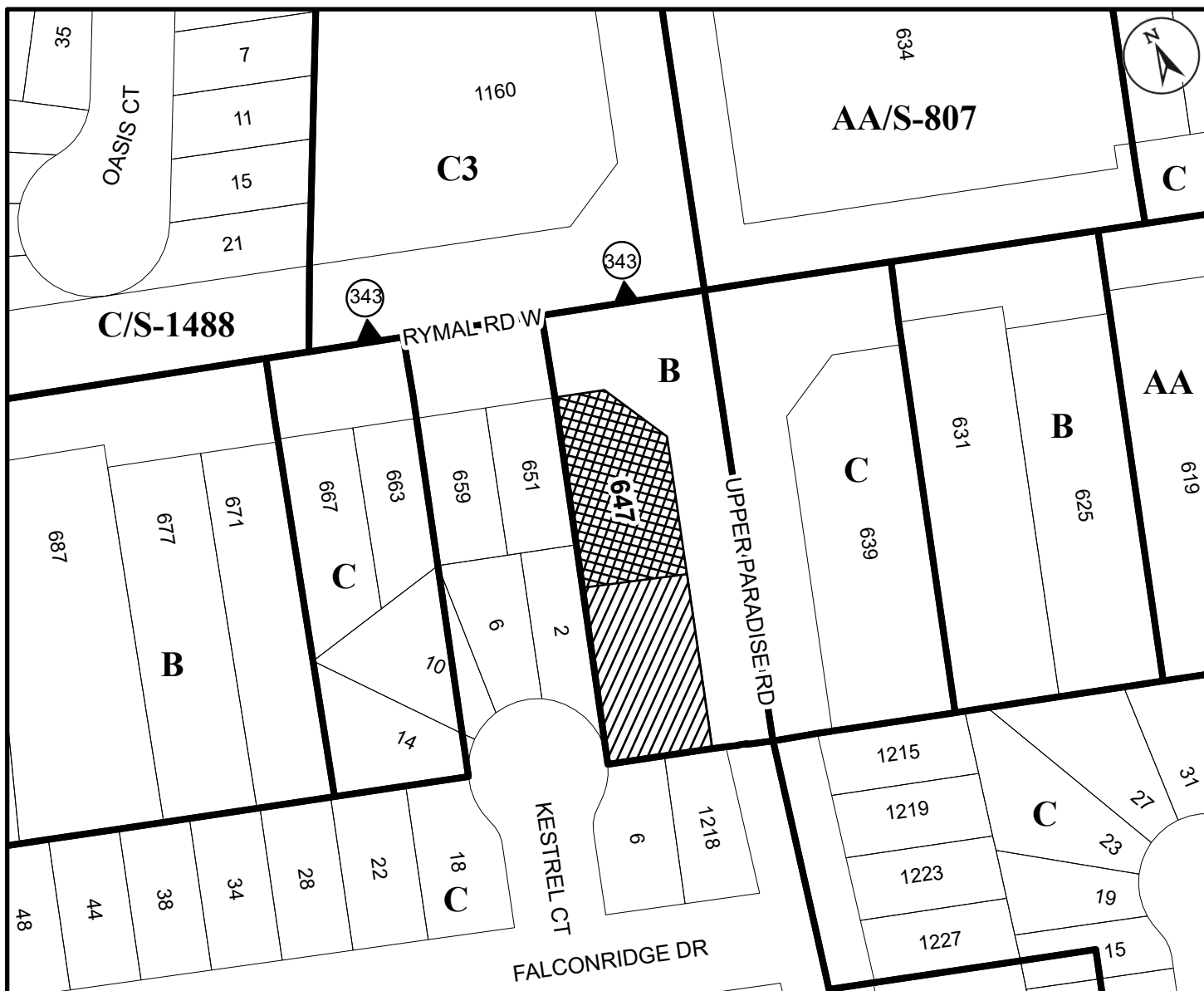
Zoning:

1. These variances are necessary to facilitate Land Severance Application HM/B-22:45.
2. The submitted survey does not indicate yard setbacks of the existing building situated on the retained lands. As such, variances have been written as requested by the applicant.
3. The applicant shall ensure that sufficient parking is provided/maintained on the retained lands and are provided in accordance with the regulations contained within Section 18A of Hamilton Zoning By-law 6593.
4. A building permit is required in the normal manner for the construction of any future development.

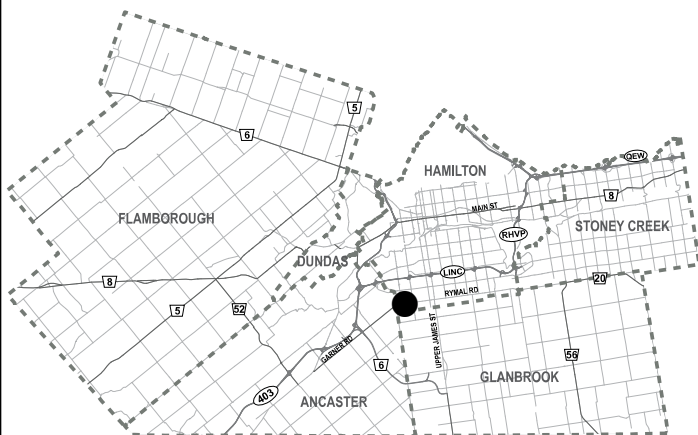
Development Engineering:

Development Approvals requires a minimum 6.0m rear yard depth as per the City's Lot Grading Policy to provide a useable rear yard amenity area. The proposed rear yard depth of 5.0m does not satisfy this requirement. Therefore, we recommend that the minor variance be denied.

See attached for additional comments.



● Site Location



City of Hamilton

Committee of Adjustment

Subject Property

647 Rymal Road West, Hamilton (Ward 14)



Lands to be Retained



Lands to be Severed

File Name/Number:

HM/A-22:177

Date:

June 13, 2022

Technician:

VS

Map Not To Scale

Appendix "A"



Hamilton

PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT

AN/A-22:161 – 182 Central Drive, Ancaster

Consolidation Report

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

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

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

AN/A-22:161 – 182 Central Drive, Ancaster

PLANNING and ECONOMIC DEVELOPMENT DEPARTMENT

Development Planning – Suburban

The Urban Hamilton Official Plan designates the property as “Neighbourhoods” on Schedule E-1 in the Urban Hamilton Official Plan. The proposed use conforms to the Urban Hamilton Official Plan.

Ancaster Wilson Street Secondary Plan

The subject lands are also within the Ancaster Wilson Street Secondary Plan Land Use Plan Map B.2.8-1 and are designated Low Density Residential 1 to which the use complies.

Ancaster Zoning By-law No. 87-57

The subject lands are zoned Existing Residential (ER) Zone, to which the use is permitted.

Archaeology

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

- 1) In an area of sandy soil in areas of clay or stone; 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 approved, the proponent must be advised by the Committee of Adjustment as follows:

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

Variance 1 (Accessory Structure Rear Yard setback)

The applicant is seeking a variance for an accessory building to be located 1.8 metres from the rear lot line whereas the by-law requires accessory buildings to be a minimum 7.5 metres from the rear lot line in an Existing Residential “ER” Zone.

Staff note that the intent of the larger rear yard setback for accessory structures is to ensure larger accessory structures have a significant setback from the property lines. Given the size of the accessory structure is approximately 47.7 sq. m. (513.4 sq ft) and there looks to be room within the backyard to relocate it future from the property line. Staff consider the location of the accessory structure to not be suitable for the site and not minor in nature. Staff recommend that this variance be **denied**.

Variance 2 (Eaves and Gutters)

The applicant is seeking a variance for eaves and gutters associated with the proposed accessory building shall be permitted to extend 31cm into a minimum required setback area whereas the by-law permits a maximum eave and gutter extension of 30cm into a minimum required setback area

Staff consider the variance to not be suitable for the site and not minor in nature. Staff recommend that this variance be **denied**.

Recommendation

Based on the preceding information, the variance does not maintain the intent of the Ancaster Zoning By-law, is not minor in nature and is not desirable for the subject lands, staff recommend the variance be **denied**.

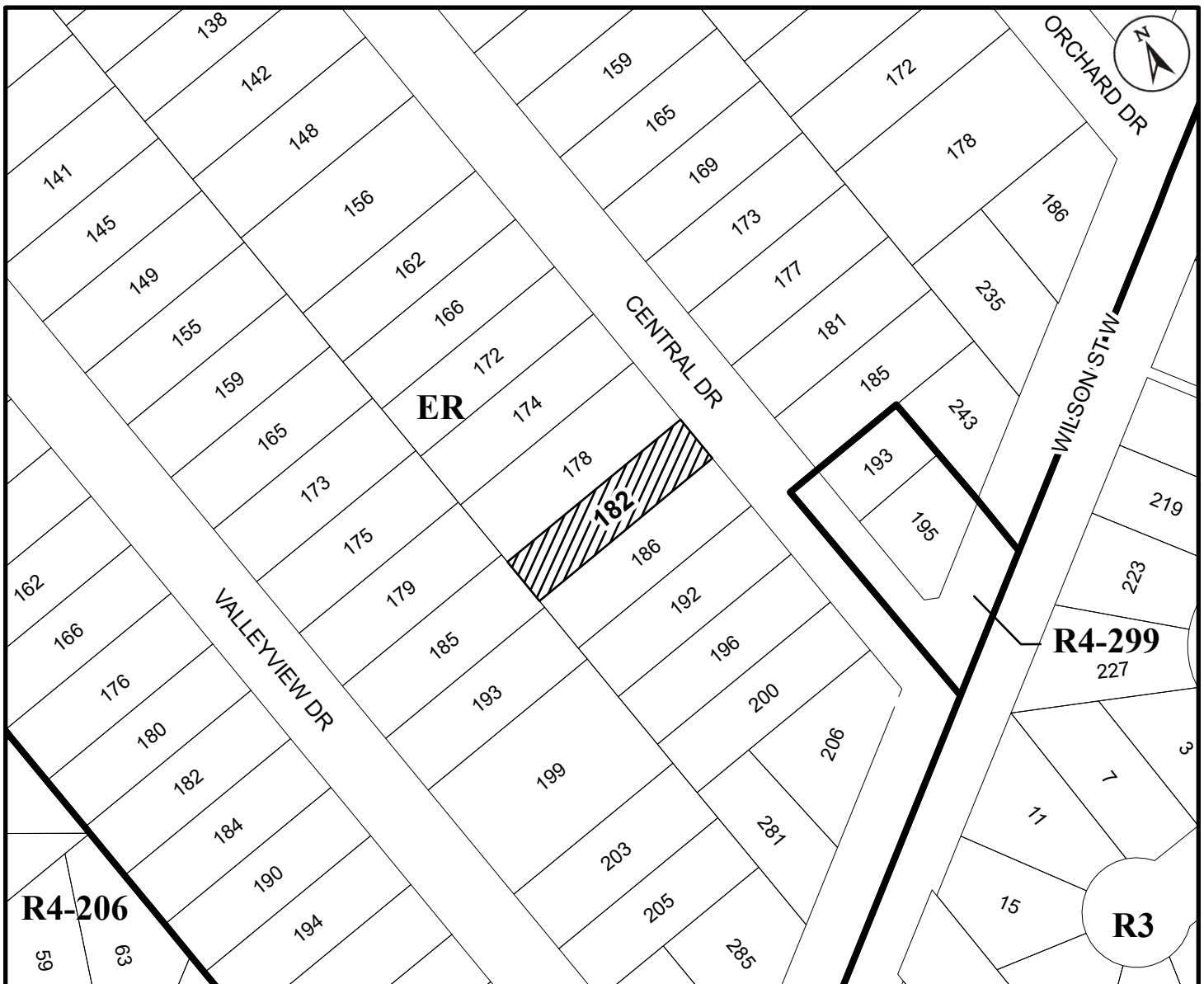
Zoning:

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

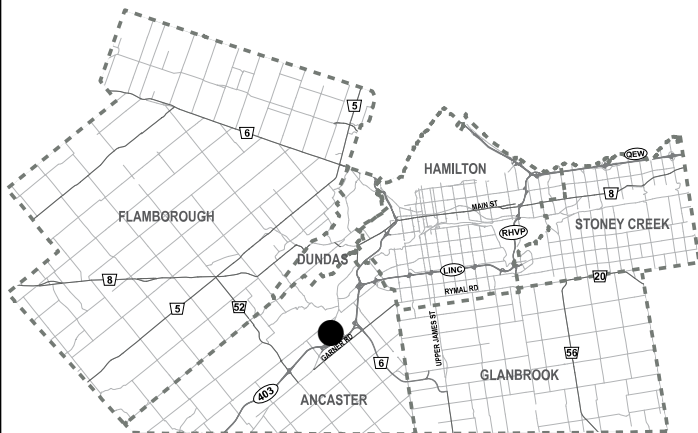
Development Engineering:

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

See attached for additional comments.



● Site Location



City of Hamilton

Committee of Adjustment

Subject Property



182 Central Drive, Ancaster
(Ward 12)

File Name/Number:

AN/A-22:161

Date:

June 13, 2022

Technician:

VS

Map Not To Scale

Appendix "A"



Hamilton

PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT

AN/A-22:167 – 60 Amberly Blvd., Ancaster

Consolidation Report

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

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

AN/A-22:167 – 60 Amberly Blvd., Ancaster

PLANNING and ECONOMIC DEVELOPMENT DEPARTMENT

Development Planning – Suburban

The purpose of this application is to permit the expansion of an existing deck to be built around an above ground swimming pool, notwithstanding the following;

1. A rear yard setback of 0.3m shall be provided instead of the minimum required 1.5m setback to any lot line that does not abut a street, plus a distance equal to the height that the top edge of the supporting structure is above the grade at the lot line nearest to such pool or structure.

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 and accessory structures are permitted within this designation (UHOP Volume 1 – E.3.4.3).

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

The subject property is zoned Residential “R3” Zone in the former Town of Ancaster Zoning By-law (87-57), which permits single family dwelling and accessory structures.
Variance 1

Staff note that this is an existing situation. Planning staff has no further comments.

Zoning:

1. The applicant has indicated through an amendment to the site plan that the proposed deck is 40.64 cm in height from the point of grade to the highest edge of the deck along the rear lot line. As such, the more restrictive requirements of Subsection 7.16 shall apply. Should the proposed deck be taller than 60 cm in height the provisions of 9.10 shall apply and additional variances may be required.
2. Building Permit # 21-127026, to construct a 32.5m² deck in the rear yard of the single-family dwelling is under review and remains not finalized.
3. A building permit is required for the construction of the proposed deck.
4. Be advised that Ontario Building Code regulations may require specific setback and construction types.

Development Engineering:

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

See attached for additional comments.

From: [Boucetta, Alexandra \(MTO\)](#)
To: [Committee of adjustment](#)
Subject: RE: June 23rd - COA Agenda Available - 60 AMBERLY BOULEVARD
Date: June 7, 2022 2:39:21 PM

Re: AN/A-22:167

Hello,

The ministry has reviewed the Minor Variance for above application and has no concerns with the proposed change with the setback.

Thank you,
Alexandra Boucetta
Corridor Management Officer – Hamilton
[Highway corridor management | ontario.ca](https://highwaycorridormanagement.ontario.ca)

From: Committee of adjustment <cofa@hamilton.ca>
Sent: June 7, 2022 12:52 PM
To: Committee of adjustment <cofa@hamilton.ca>
Subject: June 23rd - COA Agenda Available

CAUTION -- EXTERNAL E-MAIL - Do not click links or open attachments unless you recognize the sender.

Good Afternoon,

Attached is a copy of the Agenda for the June 23rd hearing date, please follow the link below for a copy of the package.

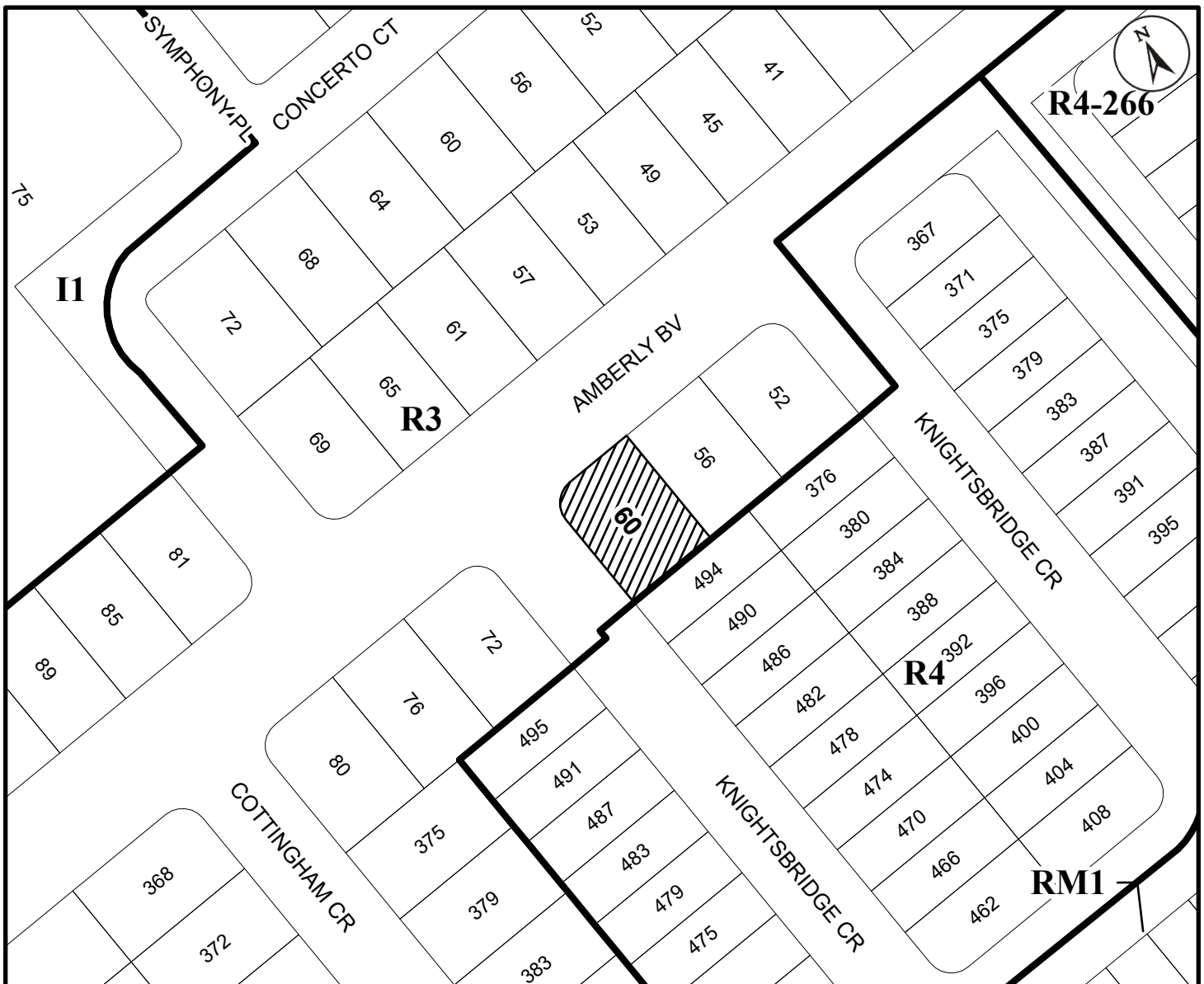
***** Please be advised final comments are due by noon, June 17th, if not received, you will be required to attend the virtual hearing, late comments will not be accepted.***

!

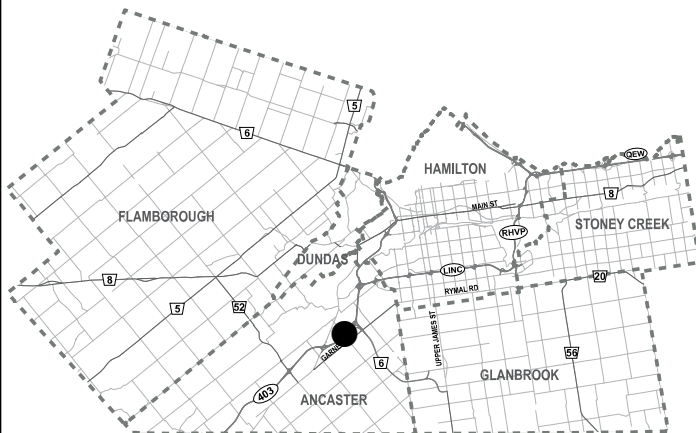
Please send comments to: cofa@hamilton.ca

-

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



● Site Location



City of Hamilton

Committee of Adjustment

Subject Property



60 Amberly Boulevard, Ancaster
(Ward 12)

File Name/Number:

AN/A-22:167

Date:

June 13, 2022

Technician:

VS

Map Not To Scale

Appendix "A"



Hamilton

PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT

AN/A-22:170 – 653-657 Mohawk Rd., Ancaster

Consolidation Report

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

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

Acknowledgement Note: The subject property has been determined to be an area of archaeological potential. It is reasonable to expect that archaeological resources may be encountered during any demolition, grading, construction activities, landscaping, staging, stockpiling or other soil disturbances. If archaeological resources are encountered, the proponent may be required to conduct an archaeological assessment prior to further impact in order to address these concerns and mitigate, through preservation or resource removal and documentation, adverse impacts to any significant archaeological resources found. Mitigation, by an Ontario-licensed archaeologist, may include the monitoring of any mechanical excavation arising from this project. If archaeological resources are identified on-site, further Stage 3 Site-specific Assessment and Stage 4 Mitigation of Development Impacts may be required as determined by the Ontario Ministry of Heritage, Sport, Tourism and Culture Industries (MHSTCI). All archaeological reports shall be submitted to the City of Hamilton for approval concurrent with their submission to the MHSTCI. Should deeply buried archaeological materials be found on the property during any of the above development activities the MHSTCI should be notified immediately (416-212-8886). In the event that human remains are encountered during construction, the proponent should immediately contact both MHSTCI and the Registrar or Deputy Registrar of the Cemeteries Regulation Unit of the Ministry of Government and Consumer Services (416-212-7499).

AN/A-22:170 – 653-657 Mohawk Rd., Ancaster

PLANNING and ECONOMIC DEVELOPMENT DEPARTMENT

Development Planning – Suburban

The purpose of this application is to permit the construction of two (2) new single detached dwellings on the lands known as 653 and 657 Mohawk Road, Ancaster, notwithstanding the following;

653 Mohawk Road:

1. A lot area of 693.0 square metres shall be provided instead of the minimum required lot area of 695 square metres.
2. A building height of 10.5m shall be provided instead of the maximum permitted building height of 9.5m
3. A balcony and open stairway may project 4.0m into a required rear yard setback whereas the by-law permits a balcony or open stairway to project a maximum of 1.5m into a required rear yard.
4. A minimum front yard setback of 11.4m shall be provided instead of the minimum required front yard setback of 13.6m

657 Mohawk Road:

1. A lot area of 683.0 square metres shall be provided instead of the minimum required lot area of 695 square metres.
2. A building height of 10.5m shall be provided instead of the maximum permitted building height of 9.5m
3. A balcony and open stairway may project 4.0m into a required rear yard setback whereas the by-law permits a balcony or open stairway to project a maximum of 1.5m into a required rear yard.

Background

The Committee of Adjustment granted the Consent previously for the subject lands – Application No. AN/B-21:92 on November 25, 2021. This application would fulfil Condition 2 of the Consent. There is an in-progress Site Plan Control Application – DAER-22-006.

The application is to construct two single detached dwelling units having an approximate G.F.A. of 297 square metres each.

Archaeology

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

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

These criteria define the property as having archaeological potential. Accordingly, Section 2 (d) of the Planning Act and Section 2.6.2 of the Provincial Policy Statement apply to the subject application. If this consent is 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 archaeological resources are encountered, the proponent may be required to conduct an archaeological assessment prior to further impact in order to address these concerns and mitigate, through preservation or resource removal and documentation, adverse impacts to any significant archaeological resources found. Mitigation, by an Ontario-licensed archaeologist, may include the monitoring of any mechanical excavation arising from this project. If archaeological resources are identified on-site, further Stage 3 Site-specific Assessment and Stage 4 Mitigation of Development Impacts may be required as determined by the Ontario Ministry of Heritage, Sport, Tourism and Culture Industries (MHSTCI). All archaeological reports shall be submitted to the City of Hamilton for approval concurrent with their submission to the MHSTCI. Should deeply buried archaeological materials be found on the property during any of the above development activities the MHSTCI should be notified immediately (416-212-8886). In the event that human remains are encountered during construction, the proponent should immediately contact both MHSTCI and the Registrar or Deputy Registrar of the Cemeteries Regulation Unit of the Ministry of Government and Consumer Services (416-212-7499).”

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 and accessory structures are permitted within this designation (UHOP Volume 1 – E.3.4.3).

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

The subject property is zoned Existing Residential Zone (ER) in the former Town of Ancaster Zoning By-law (87-57), which permits single family dwelling and accessory structures. The Existing Residential Zone (ER) sets performance standards for newly created lots. The new lots do not meet the minimum lot area requirement of the by-law as shown in Table 1 below.

Table 1

	Zoning By-law No. 87-57 Required Minimum Lot Area	New Lot Area
653 Mohawk Road	695 m ²	693.0 m ² <u>Does not comply.</u>
657 Mohawk Road	695 m ²	683.0 m ² <u>Does not comply.</u>

The Existing Residential Zone (ER) sets requirements for placement and design of the dwelling units on lots. The proposed dwelling unit on 653 Mohawk Road does not meet the minimum front yard setback, and the proposed dwelling units exceed the maximum building height and projection into the required rear yard requirements of the by-law as shown in Table 2 below.

Table 2

	Zoning By-law No. 87-57 Required Minimum Front Yard Setback	Proposed Front Yard Setback	Zoning By-law No. 87-57 Required Maximum Permitted Building Height	Proposed Building Height	Zoning By-law No. 87-57 Required Maximum Distance Balcony or Open Stairway Project into Required Rear Yard	Proposed Distance Balcony or Open Stairway Projects into Required Rear Yard
653 Mohawk Road	13.6 metres	11.4 metres <u>Does not comply.</u>	9.5 metres	10.5 metres <u>Does not comply.</u>	1.5 metres	4.0 metres <u>Does not comply.</u>
657 Mohawk Road	N/A	N/A	9.5 metres	10.5 metres <u>Does not comply.</u>	1.5 metres	4.0 metres <u>Does not comply.</u>

653 Mohawk Road and 657 Mohawk Road:

Variance 1 – Lot Area

The lot area of 653 Mohawk Road is 693.0 square metres, notwithstanding the Zoning By-law requires a lot area of 695 square metres. The lot area of 657 Mohawk Road is 683.0 square metres, notwithstanding the Zoning By-law requires a lot area of 695 square metres.

Lot area and width determine the size of the building envelope and impacts the design of the dwelling and space available for amenities. In staff's opinion, the proposed reduction in lot area and width will not have adverse impact on the streetscape or character of the existing neighbourhood. Staff supports this variance.

Variance 2 – Maximum Building Height

A maximum building height of 10.5 metres is proposed whereas the maximum permitted building height is 9.5 metres. The neighbourhood has a mixture of 1-storey and 2-storey dwellings. By allowing this minor variance, the applicant is able to construct one 2-storey building with a walk-out basement with a maximum height of 10.5 metres, which will be consistent with the streetscape, in keeping with the character of the neighbourhood and allow for more housing. The applicant has applied for a Site Plan Control Application which will include a Grading Plan Review. Staff supports this variance.

Variance 3 - Maximum Distance Open Stairway Project into Required Rear Yard

A balcony and open stairway are proposed to project 4.0 metres into a required rear yard setback whereas the by-law permits a balcony or open stairway to project a maximum of 1.5 metres into a required rear yard. There is enough space between the properties abutting at the rear to minimize any negative impacts. The reduction in setbacks for the proposed building will have negligible impact on the streetscape. Staff supports this variance.

653 Mohawk Road Only:

Variance 4 – Front Yard Setback

A minimum front yard setback of 11.4 metres is proposed whereas a minimum of 13.6 metres is required. Along the stretch of Mohawk, there are other properties with dwellings currently setback similar distances to the proposed front yard set back. In staff's opinion, the reduced front yard setback will not negatively impact the streetscape or character of the existing neighbourhood. Staff supports this variance.

Recommendation:

Having regard for the matters under subsection 45(1) of the Planning Act, staff is satisfied that the requested variances maintain the purpose and intent of the Official Plan and the

Zoning By-law. The variances are desirable for the appropriate development of the land, and hence minor in nature. Staff recommends that the requested variances, as outlined in the Notice of Hearing, be **Approved**.

If this consent 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).”

Zoning:

1. Please be advised that the lot lines shown on the submitted site plan do not seem to reflect the lots as approved under land severance application AN/B-21:92. As such, the variances pertaining to the lot area(s) have been written as requested by the applicant. A further land severance application may be required to convey the northerly portion of these lands.
2. The variance(s) respecting the reduced minimum lot area are necessary as a result of the proposed road widening that was required as part of the recent land severance application. The lands removed as part of the road widening resulted in these properties being less than the minimum lot area required in the ‘ER’ zone.
3. A 1.0m wide unobstructed area, comprised only of grass/sod is required to be provided along the extent of the side and rear lot lines. Details have not been provided confirming if this sodded area will be provided, however there appears to be sufficient space in order to accommodate this unobstructed area. Further variances may be required if compliance with this provision cannot be achieved.

4. These variances are necessary to facilitate Site Plan Control application DAER-22-006.
5. Be advised that the front yard setback within an ER zone is based on the average front yard setbacks of the abutting lots. A variance for a reduced front yard setback was also requested for the lands known as 657 Mohawk Road, however our calculation has determined that a minimum 10.1m front yard setback is required for this lot and therefore a front yard setback variance for this lot is not required.
6. A building permit is required in the normal manner for the construction of each new single detached dwelling.

Development Engineering:

No comments.

See attached for additional comments.

AN/A-22:170
653-657 Mohawk Rd., Ancaster



Adjacent City Owned Property PIN: N/A

Real Estate Comments: Be advised the subject property abuts a property with a City sanitary/storm easement.

APPLICATION NO.:	AN/A-22:170	SUBJECT PROPERTY:	653 & 657 MOHAWK RD., ANCASTER
ZONE:	"ER" (Existing Residential)	ZONING BY-LAW:	Zoning By-law 87-57, as Amended

APPLICANTS: Agent Muhammad Saddique Khan
 Owner Muhammad Wasiq Khan

The following variances are requested:

653 Mohawk Road:

1. A lot area of 693.0 square metres shall be provided instead of the minimum required lot area of 695 square metres.
2. A minimum front yard setback of 11.4m shall be provided instead of the minimum required front yard setback of 13.6m
3. A building height of 10.5m shall be provided instead of the maximum permitted building height of 9.5m
4. A balcony and open stairway may project 4.0m into a required rear yard setback whereas the by-law permits a balcony or open stairway to project a maximum of 1.5m into a required rear yard.

657 Mohawk Road:

1. A lot area of 683.0 square metres shall be provided instead of the minimum required lot area of 695 square metres.
2. A building height of 10.5m shall be provided instead of the maximum permitted building height of 9.5m
3. A balcony and open stairway may project 4.0m into a required rear yard setback whereas the by-law permits a balcony or open stairway to project a maximum of 1.5m into a required rear yard.

PURPOSE & EFFECT: So as to permit the construction of two (2) new single detached dwellings on the lands known as 653 and 657 Mohawk Road, Ancaster.

From: [Pierre Maillet](#)
To: [Committee of adjustment](#)
Subject: Committee of Adjustment, Application No AN/A-22:170, 653 & 657 Mohawk Rd, Ancaster
Date: June 20, 2022 3:59:54 PM

Re: Application No AN/A-22:170

We are Pierre & Martine Maillet, living at 679 Green Ravine Drive, Ancaster.

We hereby wish to express our firm opposition to the requested variance subject of the application referred to above, for the following reasons:

1. The increased building height and extension of the balcony and open stairway will **significantly affect our privacy**. The higher buildings will overlook our backyard and pool from closer range, all the more that the builder has already knocked down a big tree that was one of two big trees making up a screen between the former house and our backyard. Without that tree screen, and with a **new building higher and closer to our backyard** we will be very much exposed to the sight of neighbours living in these houses. In addition to the backyard and pool, one of our bedrooms and two bathrooms in particular will be under direct view of high windows in the new buildings, and the proposed variance will make it worse. We also ask that the last big tree remaining a few feet away from our property line be kept, so as to maintain at least a minimal "green screen" between the new house at 653 Mohawk and our backyard.

2. On top of the discomfort created by this loss of privacy, **the value of our property is likely to be negatively affected**. The property indeed would not have the same appeal if the green tree line hiding the former house was to be replaced by two tall buildings.

3. **The proposed variance brings no benefit to the municipality and the community and it deteriorates the environment in the neighbourhood.** The project increases building density in the area, and the requested variance makes it worse. It would be hard to understand that the public interest would be overlooked for the sole benefit of a private developer making more money out of its project at the expense of the local environment and community.

4. Indeed, we believe that the changes to by-laws requested by the Applicant have no justification other than allowing himself, as Owner/Developer, to make more profit out of the project. This would be achieved by **increasing the height and volume of the buildings while decreasing the land plot area on which they are erected, and reducing the rear yard setback**, all at the expense of the closest neighbours. Yet, the said by-laws were designed by the local Authorities to eliminate so-called "monster homes". We do not see why the City should accept to

change its own rules.

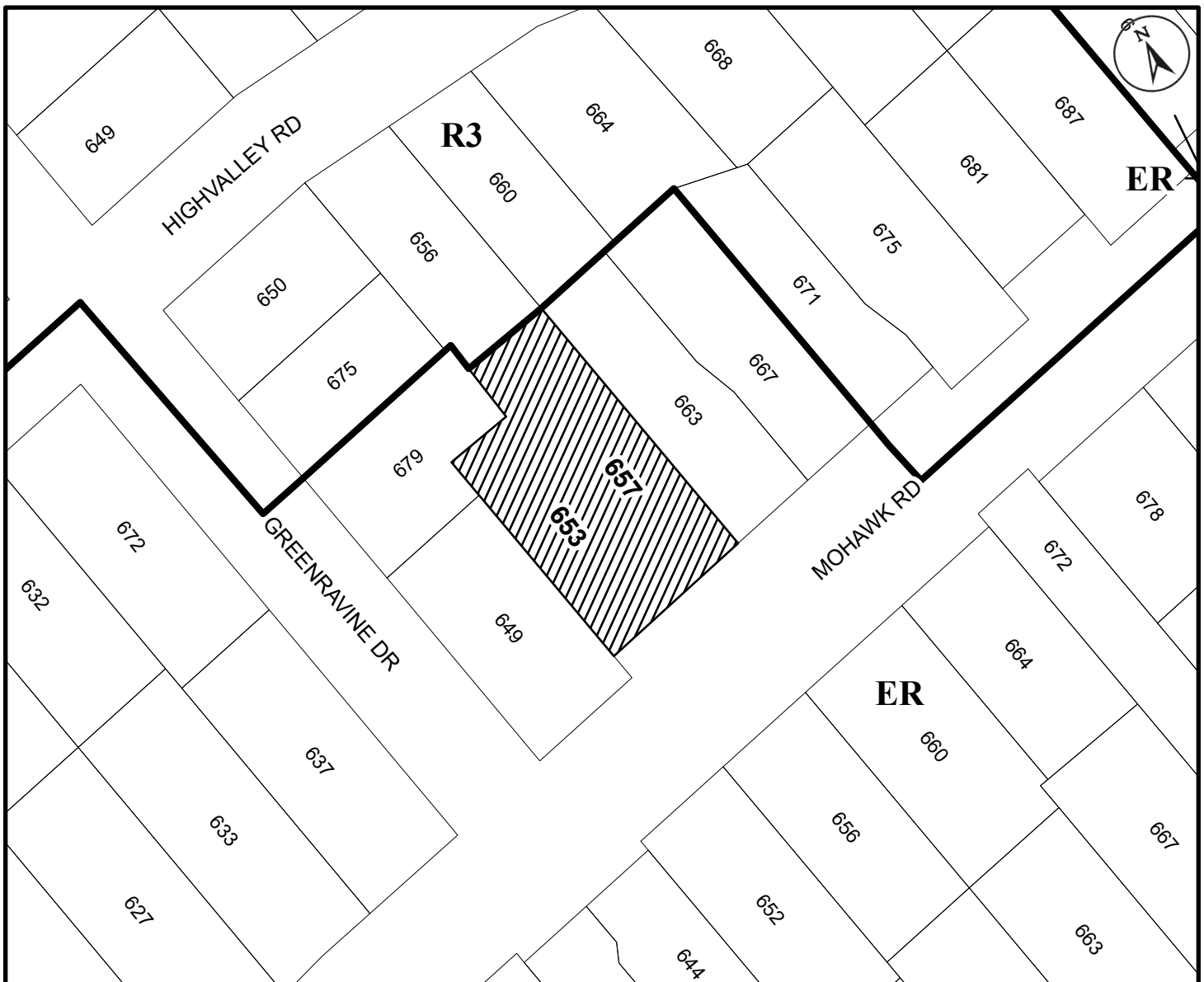
5. Allowing the variance requested would **create a precedent**. How could the Committee of Adjustment reject a similar request by any Owner/Developer in the ER zone after having accepted this one? There are probably many old and small houses in Ancaster that will be sold in the near future. Many would be bought by developers willing to demolish them to rebuild larger homes instead. These developers would of course want the same 10.5m height to get maximum leverage on their investment, and the Municipality would not have any argument to reject their request. It would mean **coming back to the situation that existed before changing the by-law from 10.5m to 9.5m, and setting the standard at 10.5m again**.

6. In times when climate change is a concern worldwide, **increasing the volume of new built houses is a very bad sign for the environment**. Additional energy needed for heating and cooling the larger volume allowed, further multiplied by the number of variances that would have to be allowed if this one was, just goes against all the goals that anyone would set to reduce carbon emissions.

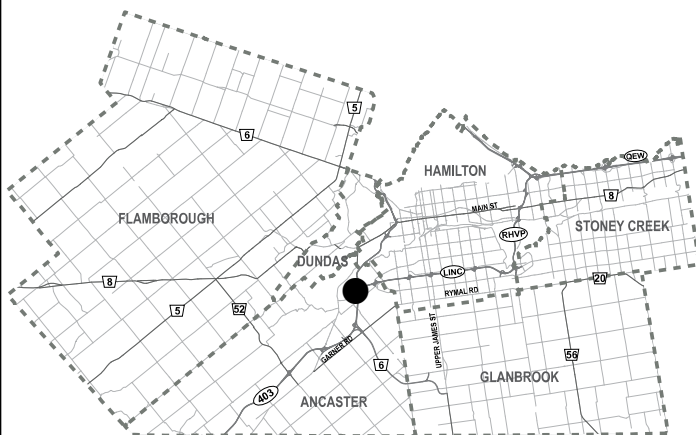
7. In conclusion, **the variance proposed is not minor**: it significantly and negatively affects our privacy, our home, but also the community and the public. We would challenge the Applicant to justify for what reasons the Committee of Adjustment would not have to apply the provisions of a by-law that was devised by their own municipality to protect public interest, in particular what would be the benefit for the neighbourhood, for the community, for the municipality and for the public in general. And also why they should set a precedent and a new standard (in fact back to the old one deemed not good when it was amended) that would have a long lasting effect on the entire population of Ancaster.

Thank you for giving due consideration to our point.

Pierre & Martine Maillet
679 Green Ravine Drive,
Ancaster, L9G 4C7



● Site Location



City of Hamilton

Committee of Adjustment

Subject Property



653-657 Mohawk Road, Ancaster
(Ward 12)

File Name/Number:

AN/A-22:170

Date:

June 13, 2022

Technician:

VS

Map Not To Scale

Appendix "A"



Hamilton

PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT

AN/A-22:172 – 128 Judith Crescent, Ancaster

Consolidation Report

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

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

AN/A-22:172 – 128 Judith Crescent, Ancaster

PLANNING and ECONOMIC DEVELOPMENT DEPARTMENT

Development Planning – Suburban

The purpose of this application is to the construction of a one storey side garage addition to the existing single detached dwelling, notwithstanding the following;

1. A minimum of 18% being 10.4 m rear yard setback shall be provided instead of the regulation in the By-Law which states that lots with a depth greater than 50 metres shall provide 40% rear yard setback being 23.2 m.

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 and accessory structures are permitted within this designation (UHOP Volume 1 – E.3.4.3).

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

The subject property is zoned Existing Residential Zone (ER) in the former Town of Ancaster Zoning By-law (87-57), which permits single family dwelling and accessory structures.

Variance 1 – Rear Yard Setback

A rear yard setback minimum of 18% being 10.4 metres is being requested, notwithstanding the Zoning By-law requires that lots with a depth greater than 50 metres shall provide 40% rear yard setback being 23.2 metres. The site is on a corner lot and the proposed single storey addition moves the building façade closer to the street line.

The rear yard setback reduction impacts space available for amenities. The addition will not be closer than other dwelling units along Maureen Avenue. In staff’s opinion, the proposed reduction in rear yard setback will not have adverse impact on the streetscape or character of the existing neighbourhood. There will be no adverse effects on the neighbours. Staff supports this variance.

Recommendation:

Having regard for the matters under subsection 45(1) of the Planning Act, staff is satisfied that the requested variance maintains the purpose and intent of the Official Plan and the Zoning By-law. The variance is desirable for the appropriate development of the land, and

hence minor in nature. Staff recommends that the requested variance, as outlined in the Notice of Hearing, be **Approved**.

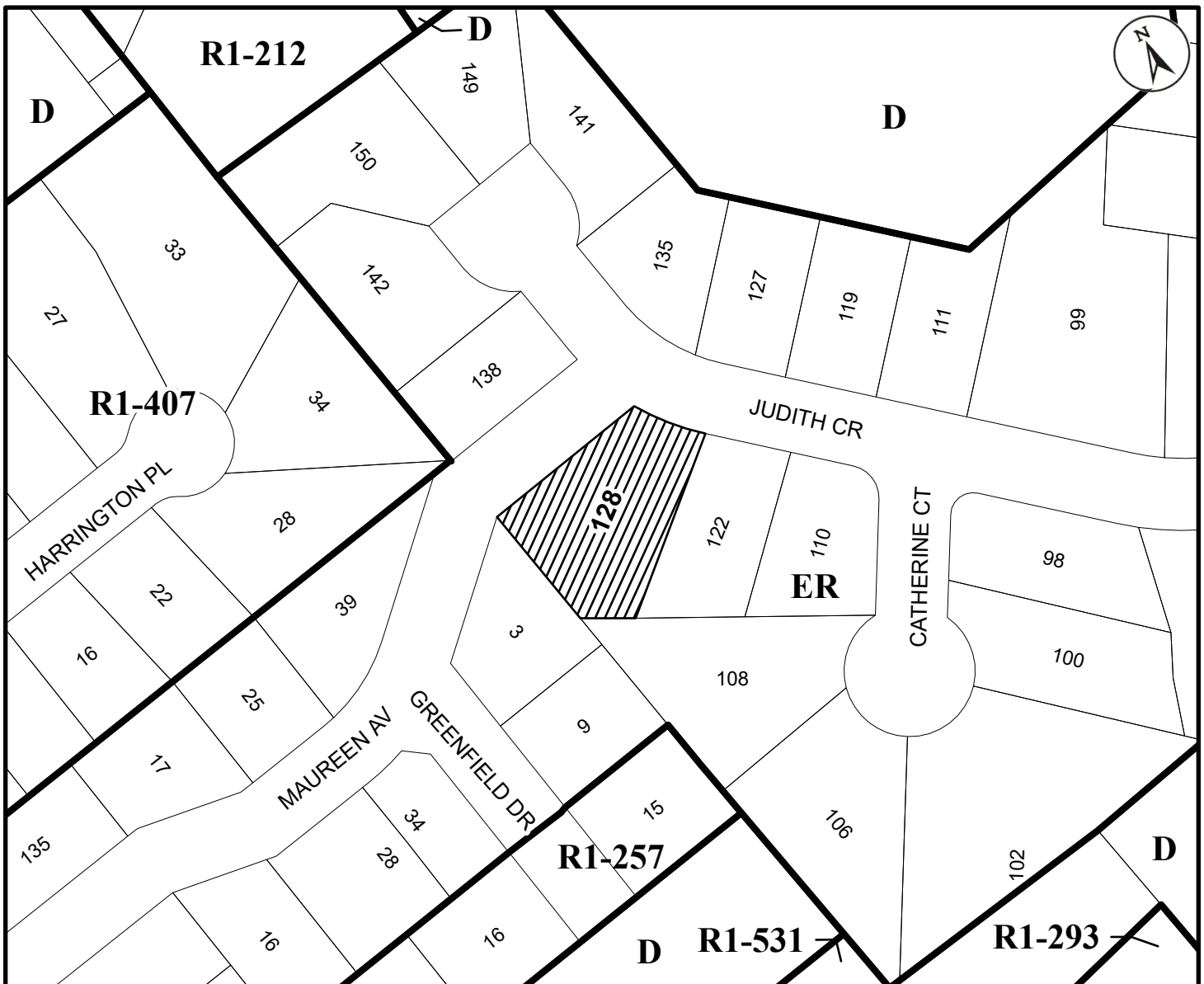
Zoning:

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

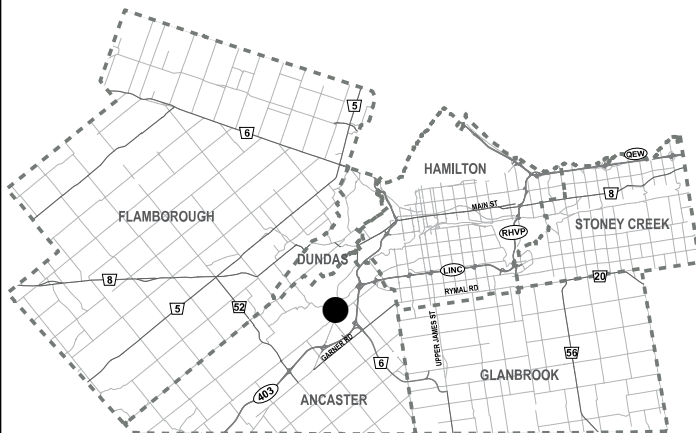
Development Engineering:

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

See attached for additional comments.



● Site Location



City of Hamilton

Committee of Adjustment

Subject Property



128 Judith Crescent, Ancaster
(Ward 12)

File Name/Number:

AN/A-22:172

Date:

June 13, 2022

Technician:

VS

Map Not To Scale

Appendix "A"



Hamilton

AN/A-22:175 – 376 Philip Place, Ancaster

Consolidation Report

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

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

Note: The proposal will be subject to a Site Plan Control application.

AN/A-22:175 – 376 Philip Place, Ancaster

PLANNING and ECONOMIC DEVELOPMENT DEPARTMENT

Development Planning – Suburban

Urban Hamilton Official Plan

The Urban Hamilton Official Plan designates the property as “Neighbourhoods” on Schedule E-1 in the Urban Hamilton Official Plan. The proposed use confirms to the Urban Hamilton Official Plan.

Ancaster Zoning By-law No. 87-57

The subject lands are zoned Existing Residential (ER) Zone, to which the use is permitted.

Variance 1 (Front Yard setback)

The applicant is seeking a variance for a minimum front yard setback of 11.7m shall be permitted instead of the minimum 12.33m front yard setback required.

Staff consider the location of the accessory structure to be suitable for the site and the variance minor in nature. Staff recommend that this variance be **approved**.

Variance 2 (Interior Side Yard Setback)

The applicant is seeking a variance for a minimum interior side yard setback of 4.1m shall be permitted instead of the minimum 4.65m interior side yard setback required.

Staff consider the variance to be suitable for the site and minor in nature. Staff recommend that this variance be **approved**.

Variance 3 (Flankage Side Yard Setback)

The applicant is seeking a variance for a minimum flankage side yard setback of 15.3m shall be permitted instead of the minimum 15.93m flankage side yard setback required.

Staff consider the variance to be suitable for the site and minor in nature. Staff recommend that this variance be **approved**.

Variance 4 (Rear Yard Setback)

The applicant is seeking a variance for a minimum rear yard setback of 4.5m shall be permitted to the northerly rear lot line instead of the minimum 8.63m rear yard setback required to the northerly rear lot line and a minimum rear yard setback of 8.1m shall be

permitted to the flankage rear lot line instead of the minimum 8.63m rear yard setback required to the flankage rear lot line.

Staff consider the variance to be suitable for the site and minor in nature. Staff recommend that this variance be **approved**

Recommendation

Based on the preceding information, Staff recommend that the variance be **approved** as it meets the intent of the Zoning By-law, is minor in nature and is desirable for the subject lands.

Note: The proposal will be subject to a Site Plan Control application.

Zoning:

1. A building permit is required for the construction of the proposed additions.
2. No setback dimension was shown to the front lot line; as such, variance #1 is based on an estimated value. Therefore, the applicant shall confirm that the requested variance #1 is correct; otherwise, further variances shall be required.
3. The Zoning By-law states that one metre within the side yard and rear yard shall be unobstructed and shall not contain structures, walkways, sidewalks, hard surfaced material, and landscaping other than sod. No details were provided from which to determine compliance; therefore, further variances may be required.
4. The elevation plans do not show the height dimension from grade as defined. The applicant shall ensure that maximum permitted 9.5m height is not exceed; otherwise, further variances may be required.
5. The Zoning By-law permits eaves or gutters that project into any minimum side yard a distance of not more than 60 centimetres, or into any minimum front or minimum rear yard a distance of not more than 1.5 metres. Insufficient details were shown on the submitted plans from which to determine compliance; therefore, further variances may be required.
6. 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.

Please visit <https://www.hamilton.ca/city-planning/official-plan-zoning-by-law/residential-zones> or email residentialzoning@hamilton.ca for further information.

Development Engineering:

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

See attached for additional comments.

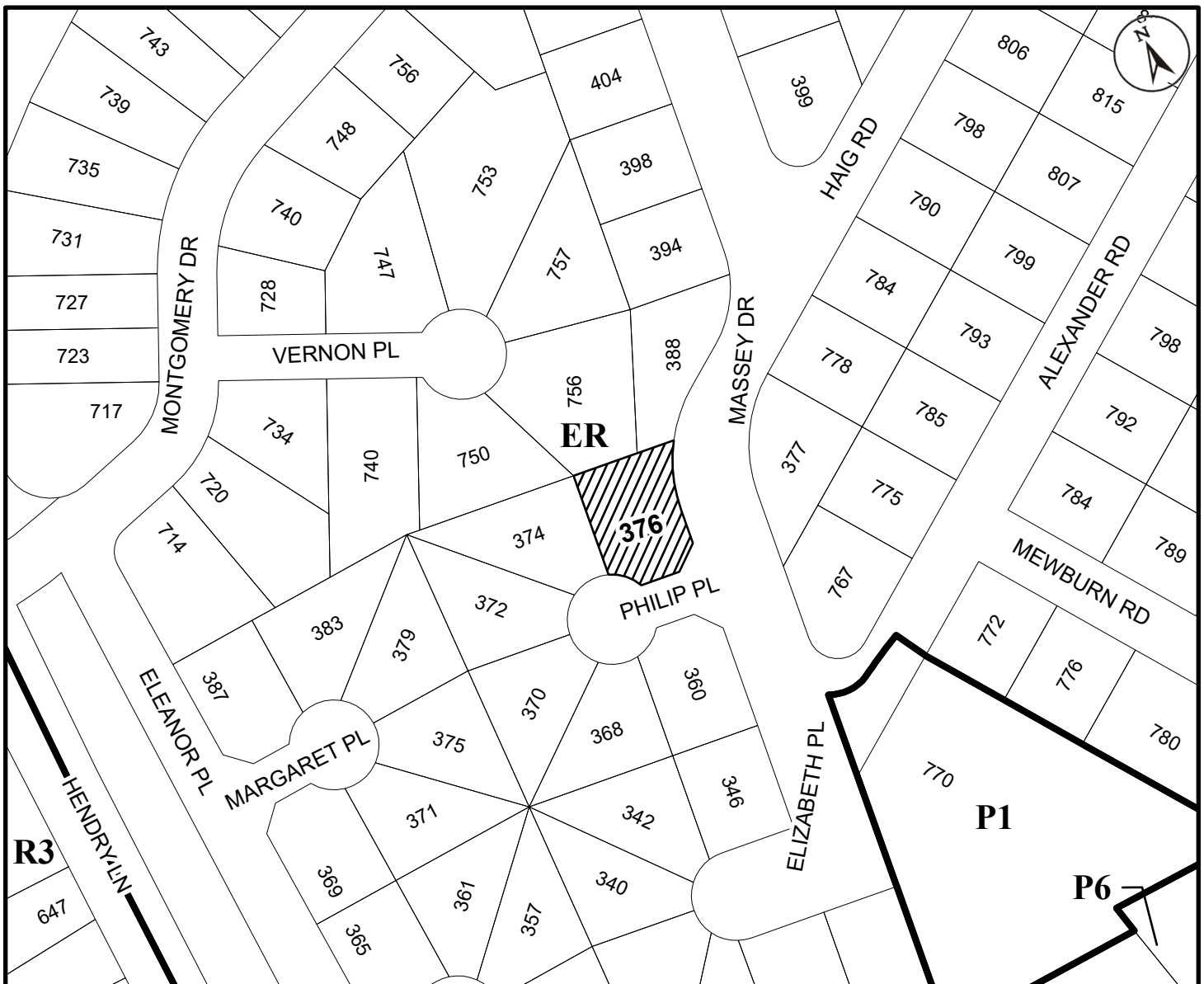
From: todd.knowles10@gmail.com
To: [Committee of adjustment](#)
Subject: Application AN/A-22:175 notice of minor variance
Date: June 9, 2022 2:56:05 PM

Hello,

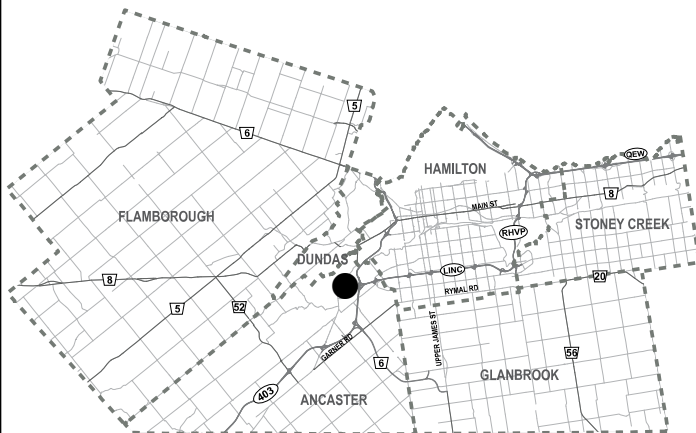
We have received a notice of public hearing on the referenced minor variance request for 376 Philip Place. Our property is adjacent on the north side and the variance requested will have significant negative impact on our property, particularly item #4. We object to the city granting this variance.

Can you provide any further information such as drawings that may help us better understand what is proposed?

Regards,
Todd Knowles & Marie Champagne
756 Vernon Place
Ancaster
416-432-6318



● Site Location



City of Hamilton

Committee of Adjustment

Subject Property



376 Philip Place, Ancaster
(Ward 12)

File Name/Number:

AN/A-22:175

Date:

June 13, 2022

Technician:

VS

Map Not To Scale

Appendix "A"



Hamilton

PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT

AN/A-22:176 – 564 Tuscarora Dr., Ancaster

Consolidation Report

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

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

AN/A-22:176 – 564 Tuscarora Dr., Ancaster

PLANNING and ECONOMIC DEVELOPMENT DEPARTMENT

Development Planning – Suburban

The purpose of this application is to permit the construction of an above ground swimming pool accessory to the existing single detached dwelling, notwithstanding the following;

1. A minimum of 1.5 m side yard setback shall be provided on the westerly side lot line abutting McNiven Road whereas the By-Law requires a minimum side yard setback of 5.5 m on a corner lot, abutting a street plus any applicable distance as specified in Schedule “C”; and
2. A minimum southerly rear yard setback of 1.5 m shall be provided instead of the minimum required 1.5 m to any lot line that does not abut a street, plus a distance equal to the height that the top edge of the supporting structure is above the grade at the lot line nearest to such pool or structure.

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 and accessory structures are permitted within this designation (UHOP Volume 1 – E.3.4.3).

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

The subject property is zoned Residential “R3” Zone in the former Town of Ancaster Zoning By-law (87-57), which permits single family dwelling and accessory structures.

Variance 1 – Side Yard Setback

A minimum side yard setback of 1.5 metres is proposed whereas a minimum of 5.5 metres on a corner lot, abutting a street plus any applicable distance as specified in Schedule “C” is required. The applicant provided information about the pool installation which assisted with the decision to support the variance. The ladder to enter and exit the pool will be on the eastern side of the proposed pool, the proposed pool width is 6.4 metres, which places the ladder beyond 5.5 metres. The applicant is going to regrade the yard where the proposed pool will be located reducing the elevation by an additional 0.1 metres to 0.15 metres. Since the pool is round, only the closest point of the pool will be set back 1.5 meters, the remainder of the pool will be setback greater than 1.5 metres. In staff’s opinion, with the additional information provided by the applicant, there is no concern of overlook and therefore the reduced side yard setback at a distance of 1.5 metres poses no adverse effects to the streetscape. Staff recommends this variance be **approved**.

Variance 2 – Rear Yard Setback

A minimum southerly rear yard setback of 1.5 m shall be provided instead of the minimum required 1.5 m to any lot line that does not abut a street, plus a distance equal to the height that the top edge of the supporting structure is above the grade at the lot line nearest to such pool or structure. The reduction in setbacks for the proposed pool will have negligible impact on the streetscape. There will be no adverse effects on the neighbours and the neighbours provided letters acknowledging their support of the proposed pool. Staff supports this variance be **approved**.

Recommendation:

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

Zoning:

1. The notice should be altered to include in the notes the following:

Please note that the required setback for variance # 2 is based on the minimum required 1.5 m setback not abutting a street plus 1.2 m pool height; therefore, a minimum yard of 2.77 m is required along the southerly lot line.

2. Subject to the issuance of a pool enclosure permit.

Development Engineering:

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

See attached for additional comments.

From: [Sandra Greenblatt](#)
To: [Committee of adjustment](#)
Subject: Minor Variance for 564 Tuscarora Drive, Ancaster.
Date: June 9, 2022 3:18:08 PM

To: Committee of Adjustment

We have received a Notice of Public Hearing for a Minor Variance for 564 Tuscarora Drive, Ancaster/owners C. Markham and M. Turner. The variance is requested to "permit the construction of an above ground swimming pool accessory to the existing single detached dwelling". We are in total agreement with this construction and hope that it can begin soon so they can enjoy their new pool this summer. Chris Markham and Marissa Turner have been our neighbours for one year and they are wonderful neighbours (we have lived at 564 Tomahawk Crescent, Ancaster for over 21 years). Our property adjoins theirs at the fence along our backyards.

Sincerely,

Sandra and Arthur Greenblatt
564 Tomahawk Crescent
Ancaster L9G 3T5

From: [Bishop, Kathy](#)
To: [Sheffield, Jamila](#)
Cc: [chris markham](#)
Subject: AN/A-22:176 564 Tuscarora Dr., Ancaster - Pool Minor Variances
Date: Tuesday, June 21, 2022 11:35:52 AM

Good Morning Jamila

Please be advised that our office has no objection to the above noted minor variance that is going to Committee of Adjustment on Thursday June 30, 2022. Development Planning and Zoning have also approved these variances.

Thanks.

Kathy Bishop

Executive Assistant to Councillor Lloyd Ferguson
Ward 12 Ancaster 905-546-3196





● Site Location



City of Hamilton

Committee of Adjustment

Subject Property



564 Tuscarora Drive, Ancaster
(Ward 12)

File Name/Number:

AN/A-22:176

Date:

June 13, 2022

Technician:

VS

Map Not To Scale

Appendix "A"



Hamilton

PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT

GL/B-22:39 – 91 Strathearne Place, 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 – Plan Examination Section).
5. Final approval of the Zoning By-law Amendment shall be received (Planning Division – Zoning Examination Section).
6. The owner shall submit survey evidence that the lands to be severed, including the location of any existing structure(s), yard encroachments, lot coverage, 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 (Planning Division – Zoning Examination Section).
7. If a Condition for a road widening and/or daylight triangle dedication is required, the owner/applicant shall submit survey evidence that the lands to be severed and/or the lands to be retained, including the lot width, lot area, the location of any existing structure(s), yard encroachments, lot coverage, 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 (Planning Division – Zoning Examination Section).

8. The Owner will be required to enter into with the City of Hamilton and register on title of the lands, a Consent Agreement, having an administrative fee of \$4,500.00 (2022 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), sidewalk, driveway approaches, and any damage during construction (unknown costs at this time) all to the satisfaction of the Manager of Development Engineering Approvals. Cash payments mentioned above are subject to change.
9. That the owner provides cash payment to the City for any outstanding servicing cost associated with the existing 0.3m reserve, described as Block 179 on 62M-992, to the satisfaction of the Manager of Development Engineering Approvals.
10. That, the owner submits a cash payment to the City for the future urbanization of Strathearn Place based on the "New Roads Servicing Rates" and frontage of the severed portion of the property to the satisfaction of the Manager of Development Engineering Approvals.

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 (Lot 'B') will remain as 91 Strathearne Place (Glanbrook) and the lands to be conveyed (Lot 'A') will be assigned the address of 95 Strathearne Place (Glanbrook).

Background

The applicant has a current Zoning Amendment Application - ZAR-22-033 in progress to amend the zoning for the proposed severed lands to the Residential “R3” Zone. This is highlighted in Figure 1 above.

Archaeology

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

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

These criteria define the property as having archaeological potential. Accordingly, Section 2 (d) of the Planning Act and Section 2.6.2 of the Provincial Policy Statement apply to the subject application. As part of a current circulation (ZAR-22-033), the applicant has submitted an Archaeological Assessment. The applicant is required to submit the letter from the Ministry of Heritage, Sport, Tourism and Culture Industries once available.

Urban Hamilton Official Plan

The subject lands are identified as “Neighbourhoods” on Schedule “E” – Urban Structure and designated “Neighbourhoods” on Schedule “E-1” – Urban Land Use Designations in the Urban Hamilton Official Plan (UHOP). The subject lands are within the Mount Hope Secondary Plan and designated “Low Density Residential 2” on Land Use Plan Map B.5.4-1 (UHOP – Volume 2). Policy B.5.4.2.1.b) applies and permits single family 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 that front on eastern end of Strathearne Place. 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 of adequate size 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). Further, *subsection 51(24) of the Planning Act* also states that when considering the subdivision of land there shall be regard for certain criteria, specifically, that “the plan conforms to the official plan and adjacent plans of subdivisions”. Staff supports this severance as the creation of these lots conform with the UHOP.

Former Township of Glanbrook Zoning By-law No. 464

The subject lands contain two zoning classifications. The eastern portion of the subject lands Existing Residential (ER), which permits single detached dwellings and structures accessory thereto, in accordance with the applicable provisions. The western portion of the subject lands, approximately 504.0 m² is classified as Residential “R3” Zone with a Holding (H-R3-144), which permits single detached dwellings and structures accessory thereto, in accordance with the applicable provisions.

Due to the subject lands contain multiple zones the performance standards of each zone are applied to the proposed development on the specific section of the lot. Section 7.11 of Zoning By-law No. 464 states,

“Where a lot is divided into more than one (1) zone, each such portion of the lot shall be used and regulated in accordance with the provisions of this By-law for the applicable zones.”

Therefore, the proposed severance must be analyzed against the performance standards of both zones and how the requirements of each will affect the future proposed development of subject lands.

Existing Residential Zone (ER) sets performance standards for newly created lots. The retained lands do not meet the minimum lot area, the severed lands do not meet the minimum lot area, nor the minimum lot frontage requirements of the by-law as shown in Table 2 below.

Table 4: Existing Residential Zone (ER) Requirements

Application: GL/B-22:39	Zoning By-law No. 464 Required Minimum Lot Area	Proposed Lot Area	Zoning By-law No. 464 Required Minimum Frontage	Proposed Frontage
Retained Lands	1,390 m ²	±1,276.448 m ² <u>Does not comply.</u>	22.5 metres	±22.86 metres <u>Complies.</u>
Severed Lands	1,390 m ²	±919.965 m ² <u>Does not comply.</u>	22.5 metres	±17.48 metres <u>Does not comply.</u>

The proposed severed lands are deficient in both lot area and frontage. The retained lands are deficient in lot area. In staff's opinion these deficiencies are not minor in nature and they do not meet the intent of the Zoning By-law. A Zoning By-law Amendment is required.

Residential “R3” Zone sets performance standards for newly created lots. The retained lands and severed lands meet the minimum lot area. The retained lands and the severed lands meet the minimum lot frontage requirements of the by-law as shown in Table 3 below.

Table 3: Residential “R3” Zone Requirements

Application: GL/B-22:39	Zoning By-law No. 464 Required Minimum Lot Area	Proposed Lot Area	Zoning By-law No. 464 Required Minimum Frontage	Proposed Frontage
Retained Lands	450 m ²	±1,276.448 m ² <u>Complies.</u>	15 metres	±22.86 metres <u>Complies.</u>
Severed Lands	450 m ²	±919.965 m ² <u>Complies.</u>	15 metres	±17.48 metres <u>Complies.</u>

The proposed severed lands are proficient in both lot area and frontage.

Recommendation:

Based on the preceding information, Staff recommend the conveyance be **tabled** until the Zoning Amendment Application is complete.

Zoning:

1. An application for a Zoning By-law Amendment (File No. ZAR-22-033) has been made concurrently with this application to rezone the lands from “H-R3-144” and “ER” to the “R3” zone pursuant to Glanbrook Zoning By-law No. 464. Due to timing of this application, a comprehensive zone review has not been completed at this time and will be completed for comments related to the Zoning By-law Amendment.
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. In order to clear conditions, the applicant will be required to make application for Ontario Building Code compliance and pay the relevant fees.
4. In order to clear conditions, the applicant will be required to make application for a Zoning Compliance Review and pay the relevant fees.

CONDITIONAL UPON:

1. The owner shall comply with Ontario Building Code requirements regarding spatial separation distances of any structures. Compliance to be confirmed by the Planning

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

2. Final approval of the Zoning By-law Amendment shall be received (Planning Division – Zoning Examination Section).
3. The owner shall submit survey evidence that the lands to be severed, including the location of any existing structure(s), yard encroachments, lot coverage, 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 (Planning Division – Zoning Examination Section).
4. If a Condition for a road widening and/or daylight triangle dedication is required, the owner/applicant shall submit survey evidence that the lands to be severed and/or the lands to be retained, including the lot width, lot area, the location of any existing structure(s), yard encroachments, lot coverage, 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 (Planning Division – Zoning Examination Section).

Development Engineering:

Information:

1. The existing municipal infrastructure fronting the subject properties is as follows:

Strathearne Place:

- 250mmø Sanitary Sewer @ ±0.4%
- 525mmø Storm Sewer @ ±0.4
- 200mmø PVC Watermain

2. It appears that a 7.48 wide sliver of land along the west property line is intended to be severed and merged with the adjacent land described as Block 179 on 62M-992. There is an existing 0.3 metre reserve on Strathearne Place fronting Block 179. At the Severance application stage, all outstanding cost recoveries must be paid to ensure the 0.3 metre reserve is lifted.
3. Strathearn Place is an urban street with a rural cross section adjacent to the subject lands. Therefore, the owner will be required to submit a cash payment to the City for the future urbanization of the street based on the “New Roads Servicing Rates” and frontage of the severed portion of the property.

Required Conditions

1. The Owner will be required to enter into with the City of Hamilton and register on title of the lands, a Consent Agreement, having an administrative fee of \$4,500.00 (2022 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), sidewalk, driveway approaches, and any damage during construction (unknown costs at this time) all to the satisfaction of the Manager of Development Engineering Approvals. Cash payments mentioned above are subject to change.
2. That the owner provides cash payment to the City for any outstanding servicing cost associated with the existing 0.3m reserve, described as Block 179 on 62M-992, to the satisfaction of the Manager of Development Engineering Approvals.
3. That, the owner submits a cash payment to the City for the future urbanization of Strathearn Place based on the "New Roads Servicing Rates" and frontage of the severed portion of the property to the satisfaction of the Manager of Development Engineering Approvals.

Growth Management:

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 (Lot 'B') will remain as 91 Strathearne Place (Glanbrook) and the lands to be conveyed (Lot 'A') will be assigned the address of 95 Strathearne Place (Glanbrook).

Transportation Planning:

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

See attached for additional comments.



Stephen Clark, 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 – Stephen.Clark@hamilton.ca

Hamilton

Forestry & Horticulture Section
Environmental Services Division
Public Works Department

Date: June 14, 2022

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

From: Stephen Clark, Urban Forest Health Technician

Subject: 91 Strathearne Place, Glanbrook (Ward 11)
File: GL/B-22:39

PREAMBLE

In response to your Agenda listing for the upcoming meeting on Thursday June 23, 2022, 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. 4219

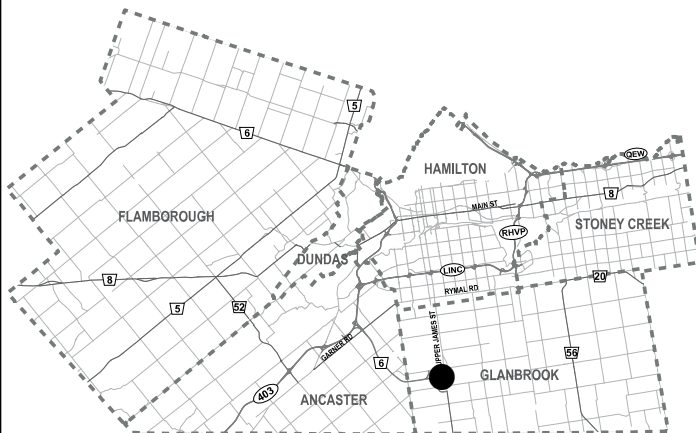
Regards,



Stephen Clark
Urban Forest Health Technician



● Site Location



City of Hamilton

Committee of Adjustment

Subject Property

91 Strathearne Place, Glanbrook (Ward 11)



Lands to be Retained



Lands to be Severed

File Name/Number:

GL/B-22:39

Date:

June 15, 2022

Technician:

VS

Map Not To Scale

Appendix "A"



Hamilton

PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT

HM/A-21:333 – 777 Upper James St., Hamilton

Consolidation Report

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

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

1. That approval of the minor variance application is conditional upon the approval of Site Plan application SPA-20-062.

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

HM/A-21:333 – 777 Upper James St., Hamilton

PLANNING and ECONOMIC DEVELOPMENT DEPARTMENT

Development Planning – Suburban

Background

This minor variance application is necessary to facilitate Site Plan Control application SPA-20-062. This application was previously tabled because it had not received conditional site plan approval. Conditional site plan approval has now been issued.

Urban Hamilton Official Plan

The Urban Hamilton Official Plan designates the property as “District Commercial” on Schedule E-1 in the Urban Hamilton Official Plan to which the use complies.

Hamilton Zoning By-Law No. 05-200

The subject lands are zoned District Commercial (C6) Zone, to which the use is permitted.

Archaeology

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

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

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

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

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

Variance 1 (Maximum Building Setback)

The applicant is seeking a variance to allow for no maximum building setback shall apply from Mohawk Road East whereas the by-law permits a maximum building setback of 14.5m from a street line.

Staff note that this is an existing commercial plaza that already has commercial buildings along Mohawk. Staff consider this variance to maintain the intent of the Urban Hamilton Official Plan, Hamilton Zoning By-law, is minor in nature and desirable to the proposed use of the lands. Staff recommend the variance be **approved**.

Variance 2 (Planting Strip)

The applicant is seeking a variance to allow for No Planting Strip abutting a Residential Zone whereas the by-law requires a minimum 1.5m wide Planting Strip to be provided where a property line abuts a Residential or Institutional Zone.

Staff note that this is a existing condition on site and is outside the extent of the proposed Site Plan application. The variance maintains the intent of the Urban Hamilton Official Plan and Hamilton Zoning By-law, staff recommend the variance be **approved**.

Variance 3 (Parking Stall Size)

The applicant is seeking a variance to allow for a parking space size of 2.7m x 5.6m shall be permitted instead of the minimum 2.8m x 5.8m parking space required.

Staff note that this is a existing standard on site and they are looking to extend it. Staff consider this to maintain the intent of the Hamilton Zoning By-law and is desirable for the appropriate use of the subject lands, staff recommend the variance be **approved**.

Variance 4 (Barrier Free Parking Space)

The applicant is seeking a variance to allow for a parking space size having a length of 5.6m shall be permitted for the required one barrier free space instead of the minimum 5.8m parking space length required.

Staff note that with the barrier free parking space being proposed at the end of the aisle it provides additional manoeuvring room, Staff consider this to maintain the intent of the Hamilton Zoning By-law and is desirable for the appropriate use of the subject lands, staff recommend the variance be **approved**.

Variance 5 (Drive-Thru Stacked Lanes)

The applicant is seeking a variance to allow for a drive-through facility to provide ten (10) stacking spaces instead of the minimum required 12 stacking spaces.

Staff note that if there were to be a high volume of cars in the drive-thru lane the additional car back-up would remain internal to the site and not affect traffic along Upper James or Mohawk Road East. Staff consider the variance minor in nature, maintains the intent of the Urban Hamilton Official Plan and Hamilton Zoning By-law, staff recommend it be **approved**.

Variance 6 (Drive-Thru)

The applicant is seeking a variance to allow for a drive-through facility to be permitted on the subject lot notwithstanding that this lot is located a distance of 0.0m from all abutting residential zone boundaries instead of the required 12.0m distance from a Residential zone.

Staff consider this variance minor in nature and is desirable for the appropriate use of the subject lands, staff recommend the variance be **approved**.

Variance 7 (Outdoor Patio)

The applicant is seeking a variance to allow for a outdoor patio on the subject lot whereas the zoning By-law does not permit an outdoor patio on a lot where any lot line abuts a Residential zone.

Staff consider this variance minor in nature, the patio is located central on the site and is approximately 500 square feet. The proposal maintains the intent of the Urban Hamilton Official Plan, Hamilton Zoning By-law and is desirable for the appropriate use of the subject lands, staff recommend the variance be **approved**.

Variance 8 (Outdoor Patio)

The applicant is seeking a variance to allow for a outdoor patio to be located in the northerly side yard of the proposed building whereas the zoning By-law states that where only a rear lot line abuts a Residential zone an outdoor patio shall be permitted in the front yard.

Staff consider this variance minor in nature; the patio is located central on the site and is approximately 500 square feet. The proposal maintains the intent of the Urban Hamilton Official Plan, Hamilton Zoning By-law and is desirable for the appropriate use of the subject lands, staff recommend the variance be **approved**.

Recommendation

Based on the preceding information, Staff recommend that the variance be **approved** as it meets the intent of the Zoning By-law, is minor in nature and is desirable for the subject lands.

Conditions (If approved):

1. That approval of the minor variance application is conditional upon the approval of Site Plan application SPA-20-062.

Zoning:

1. A building permit is required for the construction of the proposed restaurant.
2. The use and operation of a restaurant business is subject to the issuance and maintenance of a municipal license from the Licensing Section of the Licensing and By-law Services Division.
3. These variances are necessary to facilitate Site Plan Control Application No. SPA-20-062.
4. The applicant is requesting a variance to the maximum permitted 4.5m building setback from the Upper James Street. However, this variance is not required as the proposed building is located a distance of 3.0m from the Upper James Street line which is in compliance with the said regulation.
5. The applicant requested a front yard variance to the former Hamilton Zoning By-law 6593 regulations. However, the requested variance is not required as the regulations of the Hamilton Zoning By-law 05-200 are now in full force and effect.
6. The applicant is requested a variance to the required ground floor façade; however, the requested variance is not required as the requirement does not apply to buildings having a gross floor area of less than 650.0m² located on lots containing existing commercial development.
7. The applicant requested a variance to permit the existing parking spaces and aisles to be located between the proposed building and the front lot line; however, this variance is not required as the requirement is not applicable to buildings having a gross floor area of less than 650.0m² located on lots containing existing commercial development.
8. The applicant has requested a variance to permit a reduction on the minimum number of parking spaces previously approved under the former Hamilton Zoning By-law 6593. Please note that the overall "Gross Floor Area" of the site was not provided; however, it appears that the parking spaces provided on site may be sufficient to satisfy the minimum number of parking spaces required under the current zoning By-law 05-200 regulations. The applicant shall confirm the overall gross floor area in order to ensure the minimum required on site parking can be satisfied; otherwise, further variances shall be required.

Development Engineering:

Development Approvals has no comments regarding the minor variance as proposed. Please note that detailed grading, servicing and stormwater management will be reviewed under the active Site Plan Amendment application SPA-20-062.

See attached for additional comments.

From: [Mike](#)
To: [Committee of adjustment](#)
Cc: [Danko, John-Paul](#)
Subject: Application HM/A-21:333
Date: Tuesday, June 21, 2022 8:53:55 AM

In regards to the application for minor variances to this location to permit the property to be used as a restaurant I wish to submit my opposition to any and all changes. Especially items 5, 6, 7 and 8.

Item 5 Has to do with a drive through facility that should not be permitted abutting a long established residential area.

Item 6 Once again this variance should not be permitted in such close proximity to a residential area, especially if they intend it to be in service 24 hours per day.

Item 7 This item to permit a patio on the site once again facing the residential area to the North of the proposed site. With the size of that property you would think they could have for a better configuration to protect the residential areas.

Item 8 See item 7.

A fast food restaurant with a possible 24 hour drive through and patio is not something that should even be considered for a site directly abutting a residential area. I realize that the property is commercial and wouldn't oppose variances for normal commercial activities but a 24 hour restaurant operation does not make a good neighbor to residential areas. We in this area are subject to more noise than most areas of the city because of the commercial activity in the area and we accept that, but most of that noise is during normal business hours not the middle of the night. Having a restaurant with a drive through in this location would add to the noise level substantially overnight and into the early morning. We wouldn't even be able to open our windows for the smell and the noise not to mention the vermin the garbage from this place will attract.

Sent from [Mail](#) for Windows

July 13 2022

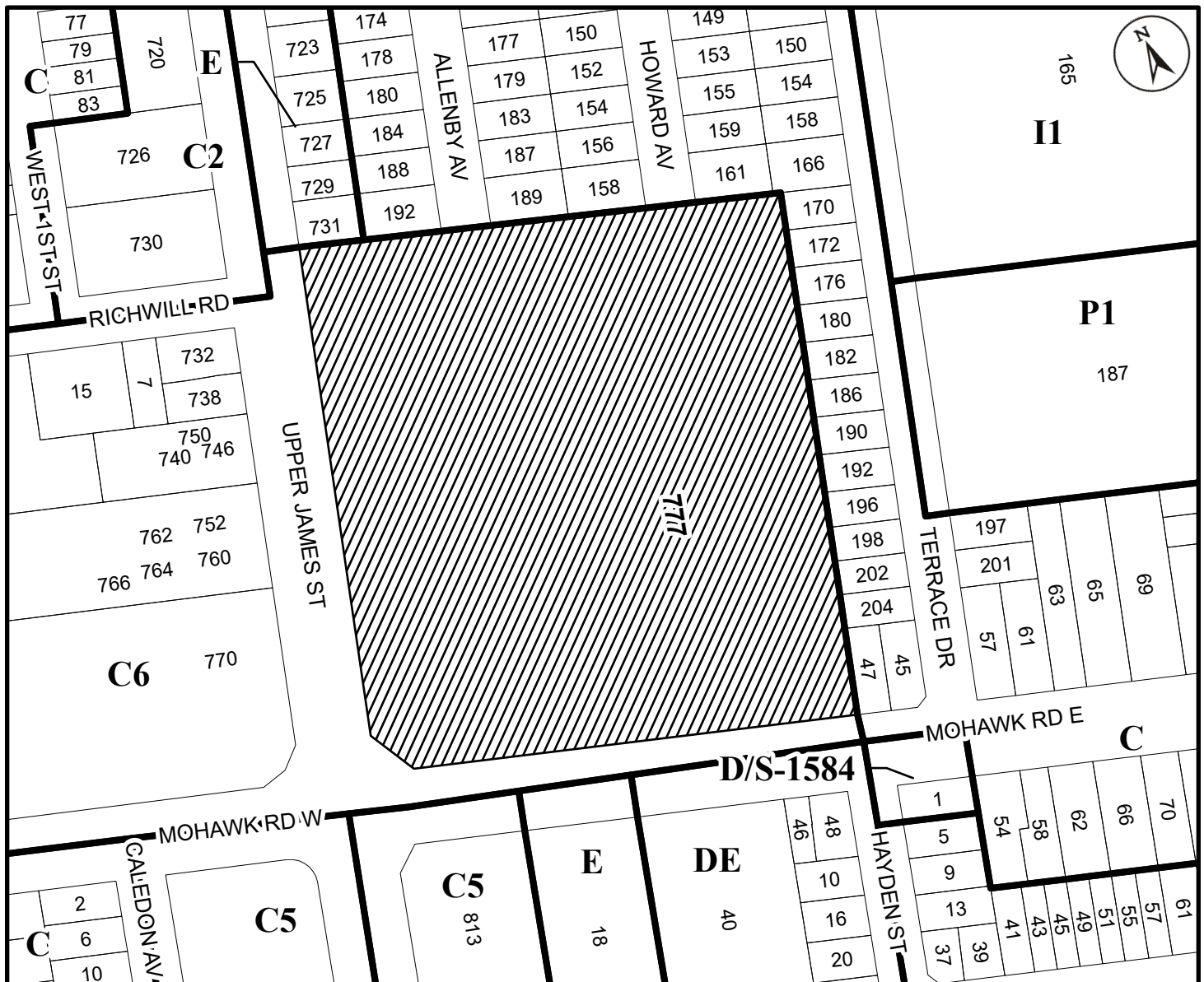
To Committee of Adjustment

This letter is the reply to my receiving a notice of public hearing for a minor variance on the property of 777 Upper James application no. HM/A-21-333 which I received on June 10 2022. I have lived at 61 Mohawk Rd. East since 1984. Putting a restaurant in that lot with a drive through would severely restrict the parking required for the customers of Food Basics and Canadian Tire stores. That parking lot is almost filled to capacity on Thursday, Friday and Saturday. Reducing the parking space size as the applicant has requested would cause more congestion.

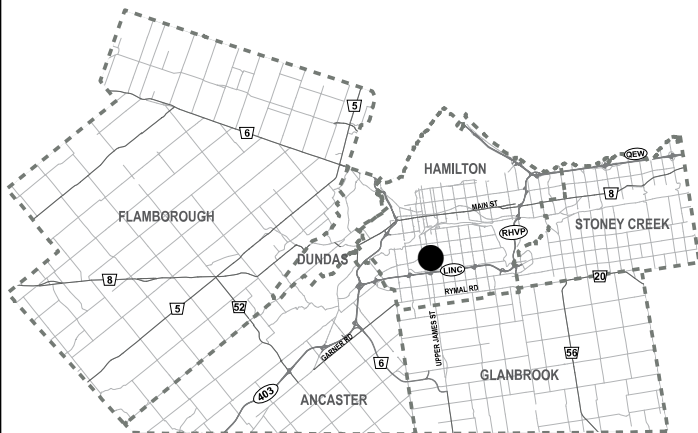
Although the name of the restaurant is not stated there are several fast food outlets and restaurants on Upper James between Mohawk Rd. and Reynal Rd. now. Another point is why would anyone want to sit in an outdoor patio on Upper James and be subjected to the noise and exhaust of the trucks and buses on that street. In my opinion another restaurant in this area is not needed.

Respectfully Submitted





● Site Location



City of Hamilton

Committee of Adjustment

Subject Property



777 Upper James Street, Hamilton
(Ward 8)

File Name/Number:

HM/A-21:333

Date:

June 13, 2022

Technician:

VS

Map Not To Scale

Appendix "A"



Hamilton

PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT

GL/B-22:43 – 0 Rymal Rd. E., 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 applicant shall provide confirmation of the existing uses on the lands to be retained in order to determine compliance with the permitted uses of the M3 and M3, 415 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 (Planning Division – Zoning Examination Section).
5. If a Condition for a road widening and/or daylight triangle dedication is required along the lands described as Part 1, the owner/applicant shall submit survey evidence that the land to be retained, including the lot width, lot area, the location of any existing structure(s), parking, outdoor assembly, visual barriers 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 (Planning Division – Zoning Examination Section).
6. The owner shall apply for and receive any required building permits in the normal manner to the satisfaction of the Planning and Economic Development Department (Planning Division – Zoning Examination Section).
7. That the Owner enter into with the City of Hamilton and register on title of the lands, a combined **Consent Agreement for Grading and External Works**, having an administrative fee of \$5,285.00 (2022 fee) to address issues including but not limited to: obtaining the required approvals from the City and the MOECP to extend the

existing storm and sanitary stubs on Glover Road to the south limit of the property, pre-grading works, maintenance of the existing drainage pattern, directing the flows from the property to adequate storm outlet, erosion and sediment control measures (to be included on the grading plan); cash payments and security deposits or the works, etc. all to the satisfaction of the Manager of Development Engineering Approvals.

8. That, the owner submits a cash payment to the City for the future urbanization of Glover Road based on the “New Roads Servicing Rates” and frontage of the property adjacent to the street to the satisfaction of the Manager of Development Engineering Approvals.
9. That, the own provides cash payment to the City for any outstanding servicing costs associated with the existing municipal services that the property has been assessed for to the satisfaction of the Manager of Development Engineering Approvals.
10. That the severed lands (Part 3) shall be merged with the lands shown as Part 4. (Planning Division –Suburban Team).
11. 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). (Planning Division –Suburban Team).

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).” (Planning Division – Suburban Team).

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 be assigned the address of 30 Glover Road (Glanbrook) and the lands to be conveyed (Part 2) will be assigned the address of 60 Glover Road (Glanbrook) and the lands to be retained (Part 3 – cold storage addition) will be assigned the address of 90 Glover Road (Glanbrook). If at a future date it is discovered that the main entry of the building to be constructed on the retained lands (Part 1) will face Rymal Road East, an address change will be required.

June 23rd, 2022

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.

GL/B-22:43 – 0 Rymal Rd. E., Glanbrook**PLANNING and ECONOMIC DEVELOPMENT DEPARTMENT****Development Planning – Suburban**

The purpose of this application is to convey a parcel of land for employment industrial purposes (Part 1) and to retain two parcels of lands for commercial (Part 1) and industrial purposes (Part 3), see sketch in Figure 1. Part 3 is proposed to be merged with Part 4 as shown on the applicant's sketch in Figure 1.

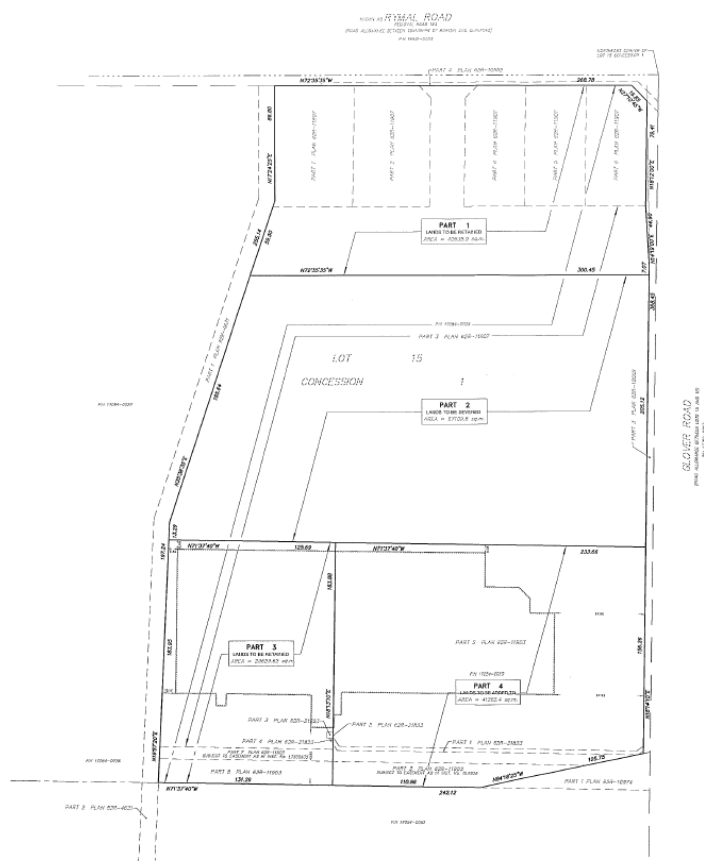


Figure 1

	Frontage	Depth	Area
SEVERED LANDS:	205.12 m [±]	359.35 m [±]	67,109.6 m ² [±]
RETAINED LANDS PART 1:	268.78 m [±]	125 m [±]	40,639.0 m ² [±]
RETAINED LANDS PART 3:	0 m [±]	131.04 m [±]	23, 623.62 m ² [±]

Archaeology

The subject property meets four (4) 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 250 metres of known archaeological sites;
- 2) Within 300 metres of a primary watercourse or permanent waterbody, 200 metres of a secondary watercourse or seasonal waterbody, or 300 metres of a prehistoric watercourse or permanent waterbody;
- 3) In the vicinity of distinctive or unusual landforms; and,
- 4) Along historic transportation routes.

These criteria define the property as having archaeological potential. Accordingly, Section 2 (d) of the *Planning Act* and Section 2.6.2 of the *Provincial Policy Statement* apply to the subject application. If this severance is granted, Staff require that the Committee of Adjustment attach the following condition to the application:

Condition: 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)."

Urban Hamilton Official Plan

The subject property is designated as "Business Park" on Schedule E-1 – Urban Land Use Designations and "Employment Areas" on Schedule E – Urban Structure.

Consents for new lots for commercial uses within the designation must meet the conditions of Policy F.1.14.3.5 and *subsection 51(24) of the Planning Act*.

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

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

The proposed lots contain existing industrial buildings to which no changes are proposed through this application. Planning staff defer to Development Engineering with respect to servicing. Retained lands shown as Part 3 have no frontage and will be merged with 90 Glover Road in order to expand its industrial cold storage facility, ensuring that all proposed lots have frontage on a public road. The lots are compatible with surrounding neighbourhood and maintain the intent of the Official Plan.

Hamilton Zoning By-law No. 05-200

The subject lands are zoned Arterial Commercial “C7” Zone, Exception 599 and Prestige Business Park “M3” Zone, which permits commercial and industrial uses, subject to the applicable provisions.

Recommendation:

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

If approved by Committee of Adjustment, GL/B-22:43 is subject to the following conditions and notes:

- 1) That the severed lands (Part 3) shall be merged with the lands shown as Part 4.
- 2) 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)."

Zoning:

1. The applicant should obtain an appropriate municipal address for the proposed parcel(s) from the Growth Planning Section of the Planning and Economic Development Department prior to the issuance of a building permit.
2. The lands to be conveyed/retained shall be merged in title with the lands to which they are to be added.
3. The M3, 415 zone permits specific uses. The applicant may wish to ensure that the proposed uses on the lands to be merged with 90 Glover Road and described as Part 3 are permitted.

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

1. The applicant shall provide confirmation of the existing uses on the lands to be retained in order to determine compliance with the permitted uses of the M3 and M3, 415 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 (Planning Division – Zoning Examination Section).
2. If a Condition for a road widening and/or daylight triangle dedication is required along the lands described as Part 1, the owner/applicant shall submit survey evidence that the land to be retained, including the lot width, lot area, the location of any existing structure(s), parking, outdoor assembly, visual barriers 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 (Planning Division – Zoning Examination Section).
3. The owner shall apply for and receive any required building permits in the normal manner to the satisfaction of the Planning and Economic Development Department (Planning Division – Zoning Examination Section).

Development Engineering:

Information:

- 1) The existing municipal infrastructure fronting the subject properties is as follows:

Rymal Road East

- 750mmø Sanitary Sewer @ $\pm 0.2\%$
- 1800mmø Storm Sewer @ $\pm 0.3\%$
- 300mmø Ductile Iron Watermain

We note that the property is within the area subject to cost recoveries. Therefore, the owner will be required to provide cash payment to the City for any outstanding servicing costs associated with the existing municipal services adjacent to the site that the property has been assessed for as a condition of severance approval.

Glover Road

- 375mmø Sanitary Sewer Stub @ $\pm 0.5\%$
- 825mmø Storm Sewer Stub @ $\pm 0.5\%$
- 400mmø Concrete Watermain

- 2) For the information of the applicant, our GIS database does not show the existence of municipal sewers along Glover Road; Currently, Glover Road has a rural cross section. Therefore, the owner will be required to submit a cash payment to the City for the future urbanization of the street based on the "New Roads Servicing Rates" and frontage of the property adjacent to Glover Road.
- 3) The Owner is required to enter into a combined Consent Agreement for Grading and External Works with the City of Hamilton to extend the municipal sanitary and storm sewers stubs on Glover Road to the south limit of the property, to provide for adequate municipal services for severed and retained portion of the property, and to complete the pre-grading works on the property all to the satisfaction of the Manager of Development Engineering Approvals. The extension of the storm and sanitary sewer on Glover Road is subject to the ECA approval by the MOECPP.

Required Conditions:

- 1) That the Owner enter into with the City of Hamilton and register on title of the lands, a combined **Consent Agreement for Grading and External Works**, having an administrative fee of \$5,285.00 (2022 fee) to address issues including but not limited to: obtaining the required approvals from the City and the MOECP to extend the existing storm and sanitary stubs on Glover Road to the south limit of the property, pre-grading works, maintenance of the existing drainage pattern, directing the flows from the property to adequate storm outlet, erosion and sediment control measures (to be included on the grading plan); cash payments and security deposits for the works, etc. all to the satisfaction of the Manager of Development Engineering Approvals.
- 2) That, the owner submits a cash payment to the City for the future urbanization of Glover Road based on the "New Roads Servicing Rates" and frontage of the property adjacent to the street to the satisfaction of the Manager of Development Engineering Approvals.

- 3) That, the own provides cash payment to the City for any outstanding servicing costs associated with the existing municipal services that the property has been assessed for to the satisfaction of the Manager of Development Engineering Approvals.

Growth Management:

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 be assigned the address of 30 Glover Road (Glanbrook) and the lands to be conveyed (Part 2) will be assigned the address of 60 Glover Road (Glanbrook) and the lands to be retained (Part 3 – cold storage addition) will be assigned the address of 90 Glover Road (Glanbrook). If at a future date it is discovered that the main entry of the building to be constructed on the retained lands (Part 1) will face Rymal Road East, an address change will be required.

Transportation Planning:

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

See attached for additional comments.



Stephen Clark, 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 – Stephen.Clark@hamilton.ca

Hamilton

Forestry & Horticulture Section
Environmental Services Division
Public Works Department

Date: June 15, 2022

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

From: Stephen Clark, Urban Forest Health Technician

Subject: 0 Rymal Road East, Glanbrook
File: GL/B-22:43

PREAMBLE

In response to your Agenda listing for the upcoming meeting on Thursday, June 23, 2022, 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 at this time 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 at this time.
- **Note: Prior to a person performing any work on, in or around a public tree an application for a permit shall be submitted to the Director.**

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

Regards,

A handwritten signature in blue ink that reads "Stephen Clark". The signature is written in a cursive, flowing style.

Stephen Clark
Urban Forest Health Technician

From: [Development Officer](#)
To: [Committee of adjustment](#)
Cc: [Development Officer](#)
Subject: RE: June 23rd - COA Agenda Available
Date: Thursday, June 16, 2022 9:31:26 AM
Attachments: [image001.png](#)
[1. 0 Rymal Road East, Glanbrook - 16-Jun-2022 \(AB\).pdf](#)
[By-law 07-299 Rymal Rd. E. San Summit 1 City DC.pdf](#)

Thanks very much Jamila!

Please see the formal comment below:

That the owner submit Municipal Act charges for 0 Rymal Road East under By-law 07-299. The total payable is \$8,295, to the satisfaction of Corporate Services.

Please note these funds can be sent to my attention via the following with the calculation document attached (preferably in the form of a certified cheque):

Attention: Ailish Brooke, First Floor Finance
71 Main Street West
Hamilton, ON
L8P 4Y5

Or dropped off to the drop box at the back entrance of City Hall in an envelope addressed to me, as above.

I have also attached the applicable by-law and the calculation form.

Please don't hesitate to let me know if there are any questions.

All the best,
Ailish

Ailish Brooke

Senior Financial Analyst – Programs & Policies, Development Charges, Programs and Policies
Corporate Services
Financial Planning, Administration and Policy, City of Hamilton
(905) 546-2424 Ext.6875



From: Committee of adjustment <cofa@hamilton.ca>
Sent: June 16, 2022 9:10 AM
To: Development Officer <devlpmntoffcr@hamilton.ca>; Committee of adjustment <cofa@hamilton.ca>
Subject: RE: June 23rd - COA Agenda Available



FINANCIAL PLANNING, ADMINISTRATION AND POLICY
DEVELOPMENT CHARGES, PROGRAM AND POLICIES
Municipal Act Charges Calculation

Calculation prepared by: Ailish Brooke, Senior Financial Analyst
Calculation prepared on: June 16, 2022

TOTAL
\$8,295.00

PROPERTY DETAILS

Address(s): 0 Rymal Road East
Former municipality: Glanbrook
Property roll(s): 251806076100175

BY-LAW DETAILS

Applicable by-law: 07-299
Approved: October 24, 2007
Service Components: Sanitary Sewer Mainline

By-Law Charge/ Property: Flat Fee Annually Adjusted

CALCULATION

	Flat Fee Per By-Law	2022 Flat Fee	Total
07-299	5,000.00	8,295.00	8,295.00
			<u>8,295.00</u>

Authority: Item 17, Public Works Committee
Report 07-011 (TOE02005(b)/
FCS02026(b)/PED07248)
CM: September 26, 2007

Bill No. 299

City of Hamilton

BY-LAW NO. 07-299

Being a By-law to impose a sewer rate under the *Municipal Act*, 2001, as amended, upon owners of land abutting Rymal Road East-Dakota Drive to west of Glover Road, in the City of Hamilton.

WHEREAS Multi-Area Development Inc. in satisfaction of terms and conditions of a subdivision agreement with the City of Hamilton known as Summit Park Phase, did construct a sanitary sewer and private drain connections, on land abutting Rymal Road East from Upper Mount Albion Road to approximately 220 metres west of Glover Road, in the City of Hamilton, hereinafter referred to as the "Sewer Works";

AND WHEREAS the cost of the sewer works to be recovered is \$2,486,876.06 to be recovered from benefiting property owners and has been funded from the City's development charge reserve fund.

AND WHEREAS the Council of the City of Hamilton authorized the construction of the sanitary sewer on Rymal Road East from Upper Mount Albion Road to approximately 220 metres west of Glover Road including private drain connections, in the City of Hamilton, hereinafter, referred as the "Sewer Works" by approving Item 17 of Public Works Committee Report 07-011 (Report TOE02005b/FCS02026b/PED07248);

AND WHEREAS at the meeting of September 26, 2007, the Council of the City of Hamilton did also approve that a cost recovery of the construction of the said Sewer Works by way of *Municipal Act 2001*, as amended, by imposing a Sanitary Sewer Main Line Flat Fee upon the owners of land who benefit from the Sewer Works and full recovery of the costs for each private drain connection, all in accordance with the provisions of the *Municipal Act 2001, as amended*;

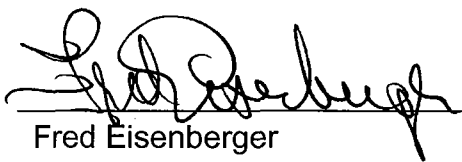
AND WHEREAS at the time of the passage of this By-law, the Sanitary Sewer Main Line Flat Fee of \$5,000.00 per existing residential lot is to be funded wholly by Development Charges.


NOW THEREFORE the Council of the City of Hamilton enacts as follows:

1. A Sanitary Sewer Main Line Fee is hereby imposed, pursuant to Section 221 of the *Municipal Act, as amended*, upon the owners or occupants of land, who benefit from the construction of the Sewer Works, hereinafter referred to as "Assessed Owners".
2. The Assessed Owners' lands and the Sanitary Sewer Main Line Flat Fee are more particularly described in Schedule "A" hereto, which Schedule forms part of this By-law.
3. The Sanitary Sewer Main Line Fee has been established using the approved method for cost apportionment per City of Hamilton Report TOE02005b/FCS02026b/PED07248 (Funding Methodologies for Municipal Infrastructure Extensions Review and Update), establishing a Sanitary Sewer Main Line Flat Fee of \$5,000.00 shall be attributed to each Assessed Owner per existing residential lot and each 150mm and 200mm private sanitary drain at \$6,063.38 and \$6,620.66 respectively. The flat fees will be annually adjusted in accordance with the Construction Date Index.
4. The charge resulting from the application of the Sanitary Sewer Main Line Fee and cost of the service drain connection, hereinafter, the "Indebtedness", shall be collected at the time of permit issuance in addition to the regular fees.
5. Assessed Owners have the option of paying the Sanitary Sewer Main Line Fee and private sanitary drain connection charge by way of annual payments over a period of fifteen (15) years by entry on the collector's roll, to be collected in the same way, as municipal taxes are collected. The interest rate utilized for the 15 year payment shall be the annual interest rate approved for the City's Municipal Act Program (2007 rate – 5.00%).
6. Notwithstanding Section 4, an Assessed Owner of a parcel described in Schedule "A" may pay the commuted value of the Indebtedness at any time.
7. Should an Assessed Owner sever or subdivide their parcel of and, then the amount owed to the City, whether the parcel of land is connected to the Sewer Works or not, shall be paid to the City as a condition of the severance of subdivision approval.

8. The sewer rate and the resulting Indebtedness imposed by this By-law shall be a lien and charge upon the Assessed Owner's lands and, if the Indebtedness, or any portion thereof, remains unpaid after the due date established in section 4 or section 6 herein, the unpaid amount may be entered on the collector's roll and collected in the same manner as municipal taxes.
9. That Schedule "A" attached hereto forms part of this by-law.
10. If any provision or requirement of this by-law, or the application of it to any person, shall to any extent be held to be invalid or unenforceable by any court of competent jurisdiction, the remainder of the by-law, or the application of it to all persons other than those in respect of whom it is held to be invalid or unenforceable, shall not be affected thereby, and each provision and requirement of this by-law shall be separately valid and enforceable.
11. This by-law shall come into force and take effect on the day following the date of its passing and enactment.

PASSED and ENACTED this 24th day of October, 2007.


Fred Eisenberger
Mayor


Kevin C. Christenson
City Clerk

Schedule "A" to By-Law No. 07-299

Sanitary Sewer Works Rymal Road East under Summit Park Phase 1

	PROPERTY ADDRESS		SANITARY SEWER MAIN LINE FEE	PRIVATE DRAIN	TOTAL
1	1824	Rymal Rd E	\$5,000.00	\$6,063.38	\$11,063.38
2	1465	Rymal Rd E	\$5,000.00		\$5,000.00
3	1519	Rymal Rd E	\$5,000.00	\$6,063.38	\$11,063.38
4	1549	Rymal Rd E	\$5,000.00	\$6,063.38	\$11,063.38
5	1557	Rymal Rd E	\$5,000.00	\$6,063.38	\$11,063.38
6	1562	Rymal Rd E	\$5,000.00		\$5,000.00
7	1565	Rymal Rd E	\$5,000.00	\$6,063.38	\$11,063.38
8	1600	Rymal Rd E	\$5,000.00	\$6,063.38	\$11,063.38
9	1603	Rymal Rd E	\$5,000.00		\$5,000.00
10	1610	Rymal Rd E	\$5,000.00	\$6,620.66	\$11,620.66
11	1622	Rymal Rd E	\$5,000.00	\$6,063.38	\$11,063.38
12	1631	Rymal Rd E	\$5,000.00	\$6,620.66	\$11,620.66
13	1636	Rymal Rd E	\$5,000.00	\$6,063.38	\$11,063.38
14	1645	Rymal Rd E	\$5,000.00		\$5,000.00
15	1655	Rymal Rd E	\$5,000.00	\$6,063.38	\$11,063.38
16	1831	Rymal Rd E	\$5,000.00		\$5,000.00
17	1835	Rymal Rd E	\$5,000.00	\$6,063.38	\$11,063.38
18	1837	Rymal Rd E	\$5,000.00	\$6,063.38	\$11,063.38
19	1841	Rymal Rd E	\$5,000.00	\$6,063.38	\$11,063.38
20	1843	Rymal Rd E	\$5,000.00	\$6,063.38	\$11,063.38
21	1847	Rymal Rd E	\$5,000.00	\$6,063.38	\$11,063.38
22	1809	Rymal Rd E	\$5,000.00	\$6,063.38	\$11,063.38
23	1817	Rymal Rd E	\$5,000.00	\$6,063.38	\$11,063.38
24	1825	Rymal Rd E	\$5,000.00	\$6,063.38	\$11,063.38
25	1829	Rymal Rd E	\$5,000.00	\$6,063.38	\$11,063.38
26	10	Trinity Church Rd (NW)	\$5,000.00	\$6,063.38	\$11,063.38
27	0	Trinity Church Rd (NE)	\$5,000.00		\$5,000.00
28	1821	Rymal Rd. East	\$5,000.00	\$6,063.38	\$11,063.38
29	1845	Rymal Rd E	\$5,000.00	\$6,063.38	\$11,063.38
30	694	Pritchard	\$5,000.00	\$6,620.66	\$11,620.66
31	0	Rymal Rd E	\$5,000.00		\$5,000.00
32	0	Hwy 53	\$5,000.00		\$5,000.00
33	0	Upper Mount Albion Rd	\$5,000.00		\$5,000.00

Hydro One Networks Inc.
Facilities & Real Estate
P.O. Box 4300
Markham, Ontario L3R 5Z5
www.HydroOne.com



Courier:
185 Clegg Road
Markham, Ontario L6G 1B7

VIA E-MAIL ONLY TO Jamila.Sheffield@hamilton.ca

June 14, 2022

City of Hamilton

Attention: Jamila Sheffield

Dear Jamila sheffield:

Re: Proposed Application for Consent, 810294 ONTARIO LIMITED
0 Rymal Road E
City of Hamilton
File: GL/B-22:43

Please be advised that Hydro One Networks Inc. ("HONI") has completed a preliminary review of the above noted consent to sever application. As the subject property is abutting and/or bisected by a HONI high voltage transmission corridor (the "transmission corridor"), HONI has no objection *in principle* to the proposed severance, provided HONI's easement rights are protected and maintained.

Please be advised that any placement of permanent structures, facilities or landscaping within the transmission corridor is **prohibited** without the prior written approval of HONI.

If in the future the owner proceeds with a site plan, plan of subdivision and/or plan of condominium application, the owner must make arrangements satisfactory to HONI for lot grading and drainage, and any proposed uses on the transmission corridor. The costs of any relocations or revisions to HONI facilities which are necessary to accommodate this proposal will become the responsibility of the developer.

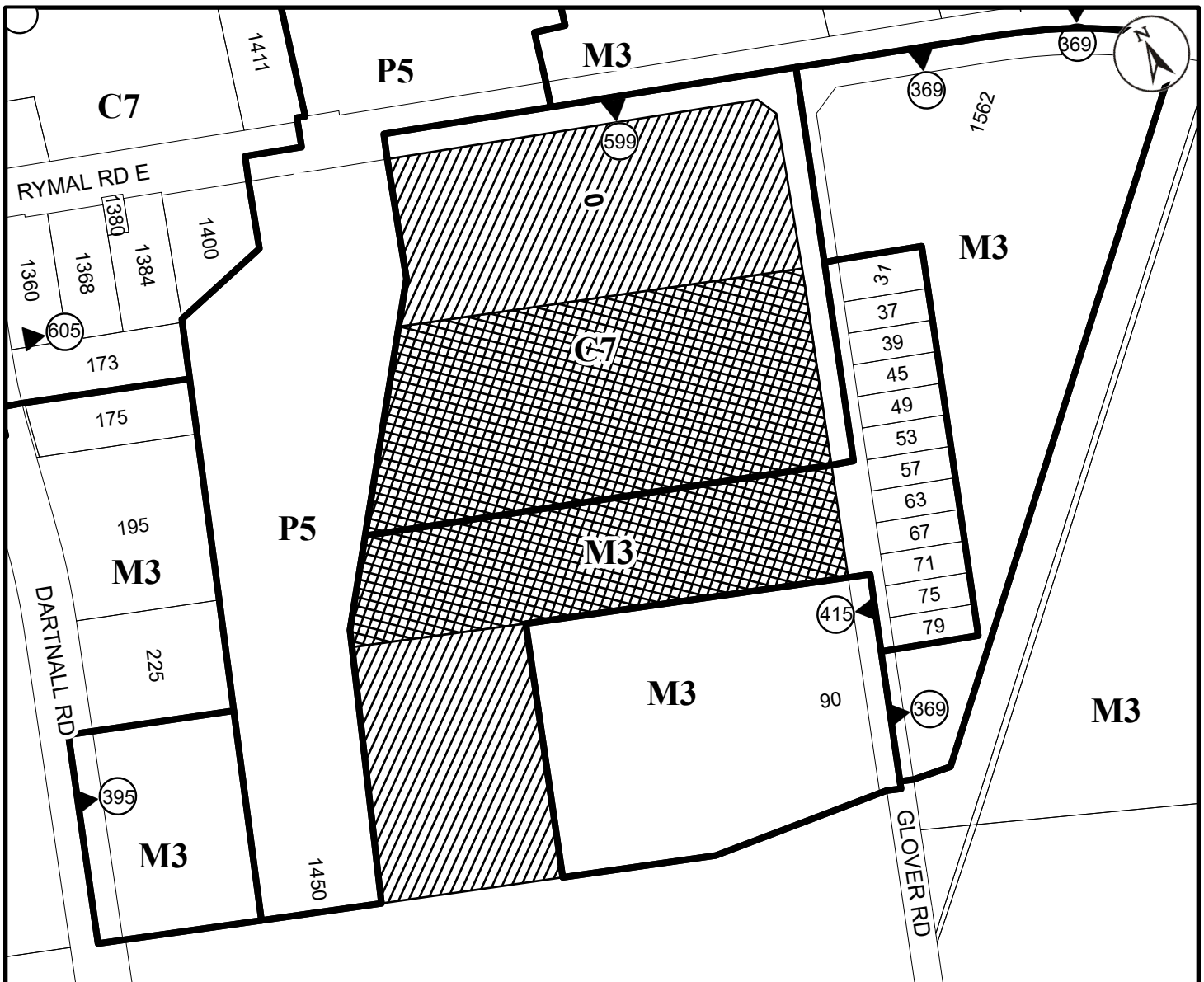
Our preliminary review only considers issues affecting HONI's transmission facilities and transmission corridor lands. For any proposals affecting distribution facilities (low voltage), the developer should consult the local distribution supplier.

If you have any questions, please contact me at dennis.derango@hydroone.com or at 905-946-6237.

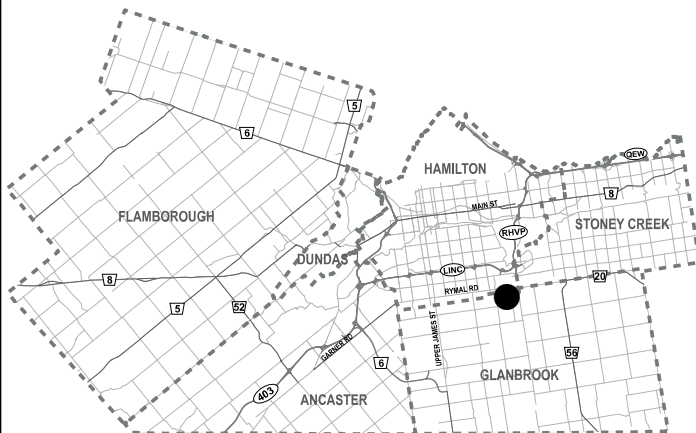
Yours truly,

A handwritten signature in black ink that reads "Dennis De Rango".

Dennis De Rango
Specialized Services Team Lead, Real Estate
Hydro One Networks Inc.



● Site Location



City of Hamilton

Committee of Adjustment

Subject Property

0 Rymal Road East, Glanbrook (Ward 8)



Lands to be Retained



Lands to be Severed

File Name/Number:

GL/B-22:43

Date:

June 13, 2022

Technician:

VS

Map Not To Scale

Appendix "A"



Hamilton

PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT

HM/B-22:40 – 289 Stone Church Rd. E., Hamilton

Consolidation Report

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

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

1. The owner shall submit a deposited Ontario Land Surveyor's Reference Plan to the Committee of Adjustment Office, unless exempted by the Land Registrar. The reference plan must be submitted in pdf and also submitted in CAD format, drawn at true scale and location and tied to the City corporate coordinate system. (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 pay for any outstanding cost recoveries which apply to the full frontage of the subject lands on Upper Wellington Street and Stone Church Road, all to the satisfaction of the Manager of Development Engineering Approvals.
5. The applicant shall provide confirmation of the existing uses on the lands to be retained/conveyed in order to determine compliance with the permitted uses of the "I3, E8" Zone pursuant to Hamilton Zoning By-law No. 05-200, and the "C" and "AA" Districts, pursuant to Hamilton Zoning By-law No. 6593, 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 that the lands to be conveyed/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 demolish the two accessory structures on 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

two accessory structures 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. The existing right-of-way at the subject property is approximately 25 metres along Stone Church Road East. Approximately 5 metres are to be dedicated to the right-of-way on Stone Church Road East, as per the Council Approved Urban Official Plan: Schedule C-2 - Future Right-of-Way Dedications. Stone Church Road East is to be 30.480 metres from Golf Links Road to Upper Mount Albion. (To the satisfaction and approval of the Manager, Transportation Planning)
9. The existing right-of-way at the subject property is approximately 25 metres along Upper Wellington Street. Approximately 5 metres are to be dedicated to the right-of-way on Upper Wellington Street, as per the Council Approved Urban Official Plan: Schedule C-2 - Future Right-of-Way Dedications. Upper Wellington Street is to be 30.480 metres from Mohawk Road to Rymal Road. (To the satisfaction and approval of the Manager, Transportation Planning)
10. A survey conducted by an Ontario Land Surveyor and at the Applicant's expense will determine the ultimate dimensions for the right-of-way widenings. (To the satisfaction and approval of the Manager, Transportation 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 Lot 12, Concession 7 Barton, Part 1 On 62R-10159, City of Hamilton) will remain as 1321, 1335, & 1343 Upper Wellington Street (Hamilton) as per Site Plan application DA-10-107. The lands to be retained (existing dwelling) will remain as 1347 Upper Wellington Street (Hamilton) and the lands to be retained (existing dwelling) will remain as 1349 Upper Wellington Street (Hamilton) and the lands to be retained (Bethel Gospel Tabernacle) will remain as 1355 Upper Wellington Street (Hamilton) and the lands to be conveyed (Part Lot 12, Concession 7 Barton, Part 1 and 2 on Registered Plan 62R12447, City of Hamilton) will be assigned the address of 301 Stone Church Road East, (Hamilton).

HM/B-22:40 – 289 Stone Church Rd. E., Hamilton**PLANNING and ECONOMIC DEVELOPMENT DEPARTMENT****Development Planning – Suburban**

The purpose of this application is to permit the conveyance of a vacant parcel of land and to retain a parcel of land containing an existing church and 2 dwellings (to remain). The lands were previously separate but merged in title when acquired by Bethel Gospel Tabernacle. The intent of the consent application is to re-create the separate lot that fronts on Stone Church Road known as 289 Stone Church Road. No further development is proposed through this severance application.

	Frontage	Depth	Area
SEVERED LANDS:	19.82 m [±]	396.29 m [±]	3.41 ha [±]
RETAINED LANDS:	197.80 m [±]	205.94 m [±]	4.83 ha [±]

Archaeology

The subject property meets four (4) 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 250 metres of known archaeological sites;
- 2) Within 300 metres of a primary watercourse or permanent waterbody, 200 metres of a secondary watercourse or seasonal waterbody, or 300 metres of a prehistoric watercourse or permanent waterbody;
- 3) In the vicinity of distinctive or unusual landforms; and,
- 4) Along historic transportation routes.

These criteria define the property as having archaeological potential. Accordingly, Section 2 (d) of the *Planning Act* and Section 2.6.2 of the *Provincial Policy Statement* apply to the subject application, which would normally require an archaeological assessment. This application is centred around a correction of merged lands and will not result in 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.

Urban Hamilton Official Plan

The subject lands are designated 'Neighbourhoods' and 'Open Space' in the Urban Hamilton Official Plan (UHOP) on Schedule E-1.

Accordingly, the applications have been evaluated based on the policies of Sections B.2.4.1.4 and B.2.4.2.2 (Volume 1) of the UHOP. The proposal maintains and builds upon the desirable established patterns and built form of the neighbourhood character. The use, scale, form and character of the development will integrate compatibly with the surrounding area. The lot pattern and configuration of the proposed lots is consistent with the neighbourhood and will result in development that is able to maintain and enhance the streetscape patterns. Staff has assessed the ability of the development to comply with all applicable policies, which is discussed further below.

New lots for residential uses in the “Neighbourhoods” designation are permitted when they meet the conditions of F.1.14.3.1 (Volume 1) which includes the following;

- a) The lots comply with the policies of the Official Plans;
- b) The lots comply with existing Neighbourhood Plans;
- c) The lots are in conformity with the Zoning By-law
- d) Meets the general streetscape and character of the neighbourhood;
- e) The lots are fully serviced by municipal water and wastewater systems; and,
- f) The lots have frontage on a public road.

Staff is of the opinion that the proposed lots reflect the general scale of the established development pattern in the surrounding area. Staff are satisfied with the proposed lots.

Hamilton Zoning By-law No. 6593

The subject lands are in different zones. The lands to be conveyed are zoned Urban Protected Residential “C” District and Agricultural “AA” District which permits a variety of uses, in accordance with the applicable provisions. The lands to be retained are in zone Major Institutional “I3” District with Exception 745 and Holding Provision “H39” which permits the use of a religious institution.

Recommendations

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

Zoning:

Lands to be Retained:

1. Building Division records indicate that the recognized use of the portion of the lands to be retained and known municipally as 1347 Upper Wellington Street is a Single Detached Dwelling, which is not a use permitted in the current “I3, E8 zoning district of Hamilton Zoning By-law No. 05-200. Please note that a legally established non-conforming use will lose its status as a result of the proposed consent to sever application.

It is noted that Demolition Permit No. 21-144624, was issued on October 15, 2021 to demolish a 1-storey, 81.30 square metre single family dwelling, located at 1347 Upper Wellington Street

2. Please note that there is insufficient information in Building Division records to establish the recognized use of the portion of the lands to be retained and known municipally as 1349 Upper Wellington Street; however, it appears an existing Single Detached Dwelling is located on this portion of the lands to be retained, which is not a use permitted in the current "I3, E8 zoning district of Hamilton Zoning By-law No. 05-200. Please note that a legally established non-conforming use will lose its status as a result of the proposed consent to sever application.
3. It is noted that Demolition Permit No. 21-144624, was issued on November 12, 2009 to demolish an existing one storey single family dwelling, located at 1335 Upper Wellington Street.
4. Building Division records indicate that the recognized use of the portion of the lands to be retained and known municipally as 1355 Upper Wellington Street is a Place of Worship, which is a permitted use in the current "I3, E8" zoning district of Hamilton Zoning By-law No. 05-200.
5. The property known municipally as 1355 Upper Wellington Street 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.
6. Specific details regarding parking on the lands to be retained and known municipally as 1355 Upper Wellington Street i.e. the existing Place of Worship, has not been indicated to confirm zoning compliance. Additional variances may be required if compliance with Section 5 is not possible.
7. There appears to be a road widening proposed along the Upper Wellington Street lot line.
8. In order to clear conditions, the applicant will be required to make an application for a Zoning Compliance Review and pay the relevant fees.

Lands to be Conveyed:

1. Building Division records indicate that the recognized use of the portion of the lands to be conveyed and known municipally as 289 Stone Church Road East is a Single-Family Dwelling, which is a permitted use in the "C" District and "AA" District of Hamilton Zoning By-law No. 6593.

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. No dimensions/plans were provided for the existing single-family dwelling located at 289 Stone Church Road East; therefore, this Division cannot confirm zoning compliance.
4. Specific details regarding the proposed development of the portion of the lands to be conveyed has not been indicated. The “C” and “AA” zoning district permits only limited residential uses. Permitted uses shall be in accordance with Section 9(1) and Section 7A (1) of Hamilton Zoning By-law No. 6593. Note that each portion of the property shall be developed in accordance with the provisions of the applicable zone.
5. It appears two accessory structures are located on the portion of the lands to be conveyed. Please note that if these structures are to remain, a variance will be required to permit an accessory structure to remain on the conveyed lands when no main use/building has been established.
6. There appears to be a road widening proposed along the Stone Church Road East Street lot line.
7. In order to clear conditions, the applicant will be required to make an application for a Zoning Compliance Review and pay the relevant fees.

CONDITIONAL UPON:

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

1. The applicant shall provide confirmation of the existing uses on the lands to be retained/conveyed in order to determine compliance with the permitted uses of the “I3, E8” Zone pursuant to Hamilton Zoning By-law No. 05-200, and the “C” and “AA” Districts, pursuant to Hamilton Zoning By-law No. 6593, 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).
2. The owner shall submit survey evidence that the lands to be conveyed/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 demolish the two accessory structures on 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 two accessory structures 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 properties is as follows:

Stone Church Road East

- 250mmø Sanitary Sewer @ ±1.8%
- 600mmø Storm Sewer @ ±1.8%
- 400mmø Concrete Watermain (north side)
- 600mmø Concrete Watermain (transmission watermain, service connections not permitted)
- 150mmø Ductile Iron Watermain (south side)

Upper Wellington Street

- 250mmø Sanitary Sewer @ ±0.5%
- 525mmø Storm Sewer @ ±0.9%
- 1050mmø Concrete Watermain (east side)
- 400mmø Ductile Iron Watermain (west side)

Required Conditions:

- 1) The Owner shall pay for any outstanding cost recoveries which apply to the full frontage of the subject lands on Upper Wellington Street and Stone Church Road, all to the satisfaction of the Manager of Development Engineering Approvals.

Growth Management:

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 Lot 12, Concession 7 Barton, Part 1 On 62R-10159, City of Hamilton) will remain as 1321, 1335, & 1343 Upper Wellington Street (Hamilton) as per Site Plan application DA-10-107. The lands to be retained (existing dwelling) will remain as 1347 Upper Wellington Street (Hamilton) and the lands to be retained (existing dwelling) will remain as 1349 Upper Wellington Street (Hamilton) and the lands to be retained (Bethel Gospel Tabernacle) will remain as 1355 Upper Wellington Street (Hamilton) and the lands to be conveyed (Part Lot 12, Concession 7 Barton, Part 1 and 2 on Registered Plan 62R12447, City of Hamilton) will be assigned the address of 301 Stone Church Road East, (Hamilton).

Transportation Planning:

1. Transportation Planning has no objection to the land severance application, provided the following conditions are met, to the satisfaction and approval of the Manager, Transportation Planning:
 - a. The existing right-of-way at the subject property is approximately 25 metres along Stone Church Road East. Approximately 5 metres are to be dedicated to the right-of-way on Stone Church Road East, as per the Council Approved Urban Official Plan: Schedule C-2 - Future Right-of-Way Dedications. Stone Church Road East is to be 30.480 metres from Golf Links Road to Upper Mount Albion.
 - b. The existing right-of-way at the subject property is approximately 25 metres along Upper Wellington Street. Approximately 5 metres are to be dedicated to the right-of-way on Upper Wellington Street, as per the Council Approved Urban Official Plan: Schedule C-2 - Future Right-of-Way Dedications. Upper Wellington Street is to be 30.480 metres from Mohawk Road to Rymal Road.
 - c. A survey conducted by an Ontario Land Surveyor and at the Applicant's expense will determine the ultimate dimensions for the right-of-way widenings.

See attached for additional comments.



Stephen Clark, 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 – Stephen.Clark@hamilton.ca

Hamilton

Forestry & Horticulture Section
Environmental Services Division
Public Works Department

Date: June 14, 2022

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

From: Stephen Clark, Urban Forest Health Technician

Subject: 289 Stone Church Road East, Hamilton
File: HM/B-22:40

PREAMBLE

In response to your Agenda listing for the upcoming meeting on Thursday June 23, 2022, 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. 4219

Regards,

A handwritten signature in blue ink that reads "Stephen Clark". The signature is written in a cursive, flowing style.

Stephen Clark
Urban Forest Health Technician

From: [Cathy Plosz](#)
To: [Committee of adjustment](#)
Cc: [Evans, Morgan](#)
Subject: Committee of Adjustment (June 23 Agenda)
Date: Tuesday, June 21, 2022 11:41:28 AM
Attachments: [image001.png](#)

Hi Morgan,

I apologize for being late with HCA's comments for this agenda. I have provided brief comments below.

HM/B-22:40 – 289 Stone Church Road East, Hamilton. The owner proposes to sever a 3.41 ha property which is currently vacant for future development. The property is not currently regulated by HCA. However, the proposed severed lands contain a Core Area (Significant Woodland) identified by the City of Hamilton in its Natural Heritage System in the Urban Hamilton Official Plan (UHOP). Karst features have also been observed in the surrounding area. Therefore, any proposed future development may require environmental studies, including an Environmental Impact Statement (EIS) and a karst assessment. However, HCA has no objection to the proposed severance.

HM/A-22:166 - 1411-1415 Upper Wellington – The proposed variance is to permit the lands at 261 Stone Church Road East to use 15 parking spaces and accessory uses proposed at 1411 and 1415 Upper Wellington Street. HCA has previously provided comments on the site plan (DA-22-040) and will continue to address concerns through this process. Therefore, HCA has no objection to the proposed variance.

FL/B-20:46 - 13 Herbert Place, Flamborough –The applicant proposes to sever the property into two residential lots. Part 1 retained lands are 4,425.5 m² (existing home) and Part 2 severed lands are 0.85 ha (vacant). This property was the subject of two previous severance applications (FL/B-09:23 and FL/B-03:46). HCA understands that the previous application was approved with conditions but the application has lapsed. The property does not contain any natural hazard lands or natural heritage features and is not affected by the Hamilton Conservation Authority's Development, Interference with Wetlands, and Alterations to Shorelines and Watercourses Regulation 161/06. Therefore, future development on the severed parcel will not require a permit from HCA. HCA has no objection to the proposed severance.

SC/A-22:174 - 68 Seabreeze Crescent, Stoney Creek. The property is affected by HCA's Development, Interference with Wetlands, and Alteration to Shorelines and Watercourses Regulation 161/06 made under the Conservation Authorities Act, R.S. O. 1990 due to flood and erosion hazards associated with the Lake Ontario shoreline. According to Provincial and HCA natural hazards policy, any future house construction must be outside of these hazards. The applicant has previously submitted a Permit application to HCA, and was advised that a shoreline erosion setback of 24.6 metres is required and that HCA policy also requires a 6 metre side yard access to allow future access to the shore wall for maintenance. The plan is now showing a 26.18 m shoreline erosion setback and a 4.5 metre erosion access allowance for maintenance of the shore wall. HCA is generally satisfied with the proposed plan. A permit from HCA will be required prior to any proposed development or site alteration.

If you have any questions about these comments, please let me know. Since the comments are relatively brief, and HCA concerns are being addressed through other planning processes, review fees are not required.

Cathy Plosz, M.Sc., MCIP, RPP

Senior Planner, Watershed Management Services

Hamilton Conservation Authority

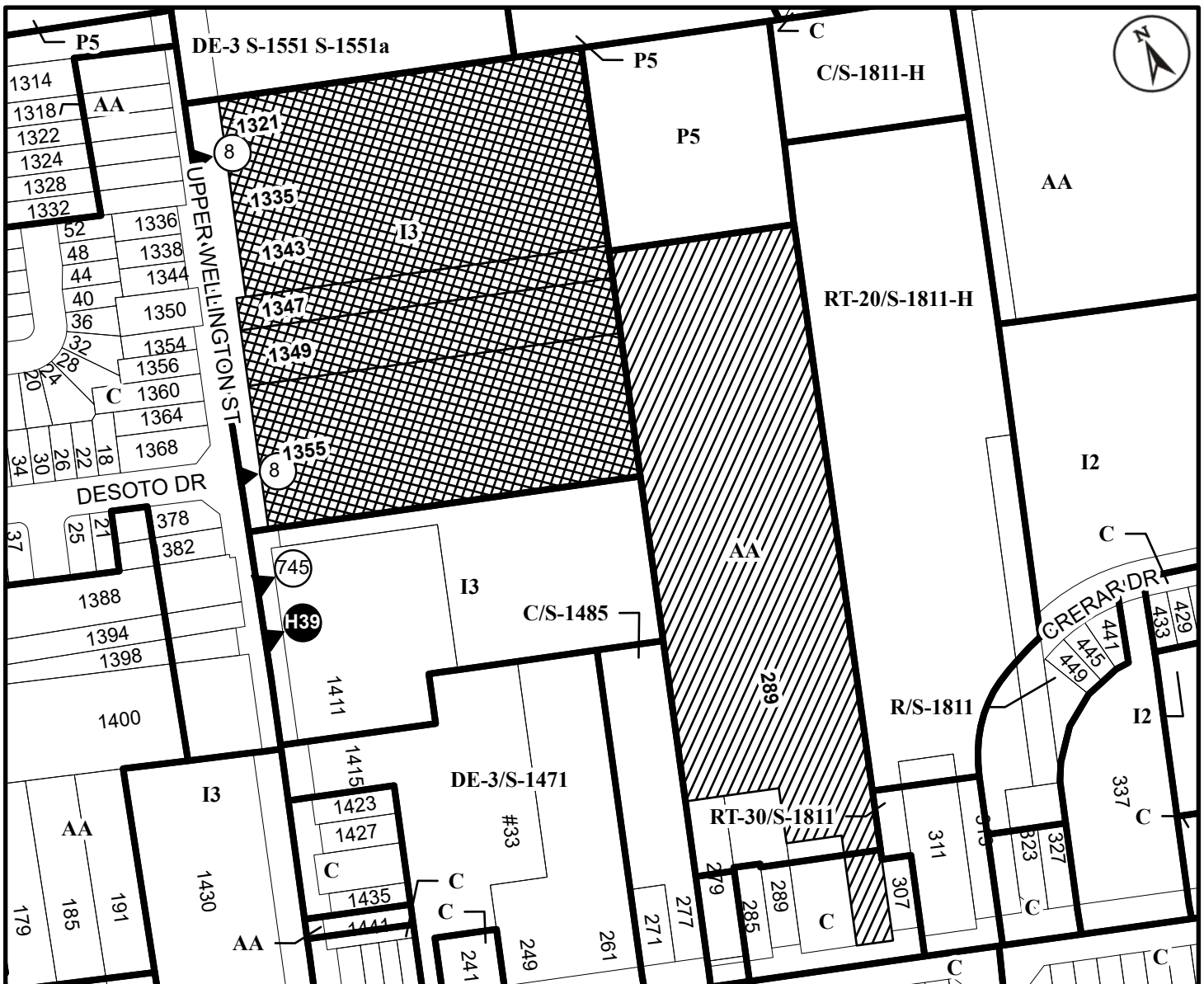
838 Mineral Springs Road, P.O. Box 81067

Ancaster, ON L9G 4X1

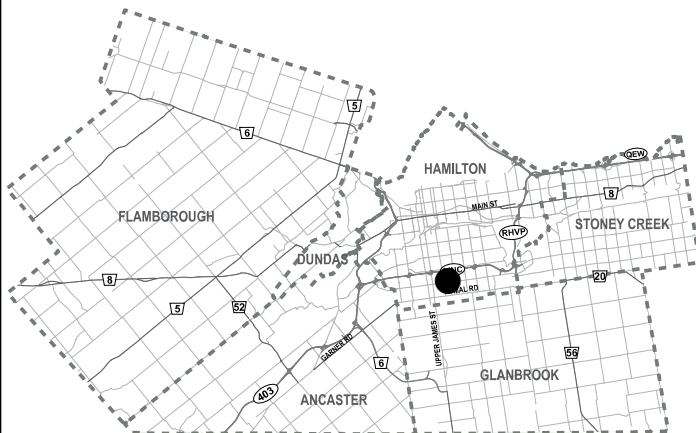
Phone 905-525-2181 Ext. 132

Email cathy.plosz@conservationhamilton.ca





● Site Location



City of Hamilton

Committee of Adjustment

Subject Property

289 Stone Church Road East, Hamilton
(Ward 7)



Lands to be Retained



Lands to be Severed

File Name/Number:

HM/B-22:40

Date:

June 15, 2022

Technician:

VS

Map Not To Scale

Appendix "A"



Hamilton

PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT

HM/A-22:168 – 96 Greyfriar Dr., Hamilton

Consolidation Report

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

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

HM/A-22:168 – 96 Greyfriar Dr., Hamilton

PLANNING and ECONOMIC DEVELOPMENT DEPARTMENT

Development Planning – Suburban

Urban Hamilton Official Plan

The Urban Hamilton Official Plan designates the property as “Neighbourhoods” on Schedule E-1 in the Urban Hamilton Official Plan to which the use complies.

Hamilton Zoning By-Law No. 6593

The subject lands are zoned Urban Protected Residential, Etc.(C) Zone, to which the use is permitted.

Variance 1 (Parking)

The proposal in Figure 1 – Site Plan submitted by the applicant shows one new parking space in the front yard and 2 parking spaces in the side yard with encroachment of 1.47m onto municipal property. The two parking stalls located in front of the detached garage do not meet the required length of a parking space and therefore are not recognized as under the Zoning By-law.

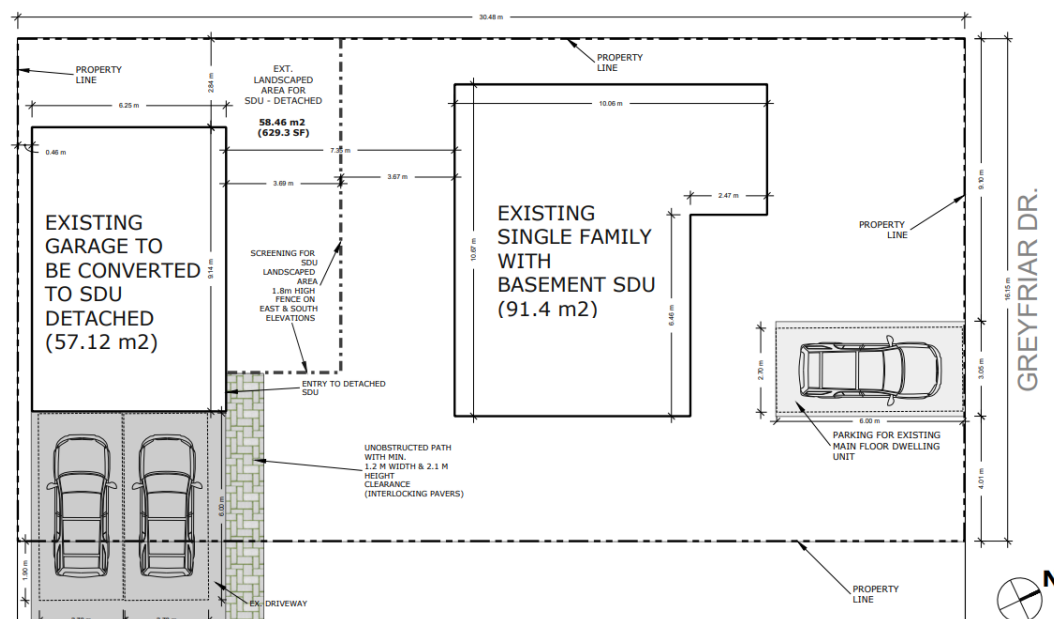


Figure 1

Update to Secondary Dwelling Unit zoning regulations

Staff note that on June 8, 2022, City Council approved a housekeeping amendment to the Hamilton zoning by-laws which included modifications and updates to Parking Regulations 19.1.(ii) for existing Secondary Dwelling Unit and Secondary Dwelling Unit – Detached Regulations.

(ii) Parking shall be provided in accordance with Section 18(A) of this By-law and the following:

(a) No additional parking space shall be required for either a Secondary Dwelling Unit or a Secondary Dwelling Unit - Detached, provided the required parking spaces which existed on May 12, 2021 for the existing dwelling shall continue to be provided and maintained;

With the new regulations in place, the 96 Greyfriar Drive no longer requires parking for SDUs provided the required parking for the principal dwelling is maintained through the creation of the new parking stall located off of Greyfriar Drive. The Variance is no longer required.

Zoning:

1. Please be advised that By-law No. 22-137, to amend former City of Hamilton Zoning Bylaw No. 6593, Respecting Modifications and Updates to Secondary Dwelling Units and Secondary Dwelling Unit-Detached Regulations was passed on June 8, 2022. However, By-law No. 22-137 is not yet final and binding. Note that as per Section 19(1)(ii)(a), no additional parking shall be required for either a Secondary Dwelling Unit or a Secondary Dwelling Unit – Detached, provided the required parking spaces which existed on May 12, 2021 for the existing dwelling shall continue to be provided and maintained. A review of Building Division records indicates that Building Permit No. B2-47996 was issued on December 14, 1971 for the construction of the existing single detached dwelling. Based on the plans included as part of the issued building permit and the date of construction of the existing dwelling, one (1) parking space is required for the existing single detached dwelling.

Note that a minimum of one (1) parking space is required for the lot as a whole (i.e. for the principle dwelling based on the date of construction), and no additional parking spaces are required for the existing Secondary Dwelling Unit and the proposed Secondary Dwelling Unit – Detached. As such, compliance with Section 19(1)(ii)(a) will be achieved, and the variances shall be altered to delete Variance No. 1. Therefore, no variances are required to facilitate the proposed Secondary Dwelling Unit – Detached.

2. A building permit is required for the conversion of the existing accessory structure to a Secondary Dwelling Unit - Detached. Be advised that Ontario Building Code regulations may require specific setback and construction types.

3. A review of Building Division records indicates that Building Permit No. BZ-51068 was issued on October 16, 1972, to erect a 20' x 30' (approximately 6.10 m x 9.14 m = 55.75 square metres) protected frame private car garage in the rear yard not over 12'.
4. Building Permit No. 18-132435, for a change of use to convert the existing single detached dwelling to a two-family dwelling, was issued on October 2, 2018
5. Please note that detailed floor plans were not provided to confirm the number of bedrooms being proposed in the Secondary Dwelling Unit – Detached. As per Section 19(1)(v), a Secondary Dwelling Unit – Detached shall have a maximum of two bedrooms. Additional variances may be required if compliance with Section 19(1)(v) cannot be achieved.
6. Please note that detailed elevation drawings were not provided to confirm the height of the Secondary Dwelling Unit – Detached. As per Section 19(1)(1)(ii)(7), a maximum height of 6.0 is permitted. Additional variances may be required if compliance with 19(1)(1)(ii)(7), cannot be achieved.
7. It is noted that a total of three (3) parking spaces have been indicated on the submitted Site Plan, however as the two (2) parking spaces indicated in the rear yard are partially located in the road allowance (i.e. a minimum parking space size of 5.5 metres cannot be provided on the lot), these spaces have not been counted towards the total number of parking spaces being provided on site and have not been reviewed for zoning compliance.

Development Engineering:

No comments.

Transportation Planning:

1. Transportation Planning does not support the proposed variances unless the Owner/Applicant enters into an encroachment agreement for the proposed parking spaces that are within the municipal right-of-way.
2. Additional Information: Transportation Planning notes that the single car driveway access for the property should be as far away from the intersection of Graystone Drive & Greyfriar Drive as possible.

See attached for additional comments.

From: [John Nolan](#)
To: [Committee of adjustment](#)
Cc: [Whitehead, Terry](#)
Subject: Opposition to Application HM/A-22-168
Date: Monday, June 20, 2022 10:41:35 AM

Committee Of Adjustment

I am submitting this email, in opposition to the "Application For Minor Variance" HM/A-22:168, which affects the residential property at 96 Greyfriar Dr Hamilton On. Please see the following points for my concerns.

- This variance is being sought, solely to enable the owner to build a second residential structure on the existing lot. This property is zoned as "C" (Urban Protected Residential) so the addition of a second residence on the lot, is not in keeping with the original intended use for the properties in the subdivision. I purchased a home in this area because of the low population density, the large lots and the quiet and peaceful surroundings. Being a long-term resident, I share the concerns of my neighbours, that allowing this variance will negatively impact our neighbourhood by turning a single-family home into a 3 family commercial property.
- On the application, item 15 states that the existing use of the subject property is a single-family home. This statement is entirely false, as the existing home was converted into a 2 family dwelling as soon as the current owner purchased it. There is no interior access to the lower apartment from the upstairs apartment and each section has been rented out to separate families for the last few years, making it a multi-family dwelling. The owner has also been renting the existing 2-car garage to a third party for use as parking and storage. The owner of the property has never resided there and is therefore running it strictly as a business and an investment. The addition of another residence, making it a three-family property, would not be in keeping with the neighbourhood's current environment. However, item 16 is correct as all abutting, adjacent and proximate properties are indeed, Single Family Homes, as they should be.
- In addition, as stated in the Application For Variance (item 11), the current garage structure stands at 14.76 ft in height. The information in the Notice of Public Hearing (item 3) states the original building was to be no more than 12 ft in height. Converting a structure that already exceeds the dimensions it was originally approved for, should not be allowed.
- Please reference drawing SP1.01 (attached to the application) to see the addition of a third parking spot, in a separate location on the property, This would interfere with street parking spots on Greyfriar Dr. and contribute to overcrowding of the subject property by squashing another family into the back corner of the lot.

The approval of this variance would be against the wishes of the surrounding families in the Gilkson neighbourhood and would result in benefiting an individual whose only involvement in our community is to maximize rental income from the structures on the property in question.

Regards
John Nolan
10 Greystone Dr.





Greyfriar
Graystone





From: [Claude Jarvis](#)
To: [Committee of adjustment](#)
Subject: 96 Greyfriar Dr Ham On
Date: Tuesday, June 21, 2022 7:39:38 AM

I strongly oppose the minor variance application at 97 Greyfriar Dr Ham On in that the parking requirements are not met and requires a road allowance exemption for the detached unit. Allowing this would set a precedent.

June 17, 2022

Jamila Sheffield
 Secretary-Treasurer
 Committee of Adjustment
 City Hall 5th floor
 71 Main Street West
 Hamilton, ON L8P 4Y5

RE: APPLICATION HM/A-22:168 96 Greyfriar Drive, Hamilton
NEIGHBOURHOOD PETITION TO REJECT REQUEST FOR VARIANCE CHANGES

Dear Ms. Sheffield,

We are writing to express our strong objection to the request for the variance which changes the number of parking spaces at 96 Greyfriar Drive, to permit the conversion of an existing accessory structure to a Secondary Dwelling Unit and adds a driveway at the front of the property. Our reasons for doing so are as follows.

1. Changes the character of the neighbourhood.

Much like 96 Greyfriar Drive, many houses in the neighbourhood have become rental properties for landlords who are absent and/or negligent. This has changed the composition and character of the neighbourhood from a community of families who live in and care for the neighbourhood, to a block investment property managed by absent and negligent landlords and holding companies with no regard for neighbours or the community.

Adding another rental property managed by an absent landlord makes a bad situation worse.

Inserting a driveway onto the front lawn of the property detracts from the aesthetic appeal of the property and the neighbourhood.

2. Issues arising from an absent landlord.

Currently, Grand Canada Holdings—F. Ali Naqvi does not adequately care for and maintain the existing property. The grass is not mowed for months on end. The lawn is uncared for and overgrown with weeds—which spread to and become the responsibility of other properties.

In the winter, the sidewalk, which is in the direct path of the community mailbox, is not shoveled or salted. This restricts accessibility for the significant population of seniors and persons with disabilities who live in the neighbourhood and creates a serious risk for pedestrians.

Additionally, when the behaviour of renters is problematic, the owner of the property is not present to address issues, and residents are left to contend with issues. This directly impedes the ability of residents to use and enjoy their property and feel safe in their neighbourhood.

NEIGHBOURHOOD PETITION TO REJECT APPLICATION HM/A-22:168
96 Greyfriar Drive, Hamilton ON L9C 4S4

Given that Grand Canada Holdings—F. Ali Naqvi is an absent landlord who does not adequately care for or maintain the property at present, permitting the creation of a Secondary Dwelling Unit creates a disproportionate and unjust burden for existing property owners and lifelong residents in the community.

3. Disruption caused by construction

Over the last two years, there have been several major construction projects in the neighbourhood. This includes and is not limited to the addition of internet wires by Bell and the replacement of the Water Service Line at 96 Greyfriar Drive. Construction is disruptive as it:

- impedes traffic;
- limits access to roadways and sidewalks;
- increases dust and dirt and mud in the vicinity;
- disrupts access to phone, internet and other essential services for days;
- imposes loud and intolerable working and living conditions;
- interferes with our ability to work and earn an income from home and have access to essential services;
- increases liability for homeowners (i.e. by dumping snow, mud and other construction materials on sidewalks);
- increases liability for drivers (i.e. by leaving construction materials on roadways);
- and creates barriers for residents who are seniors and persons with disabilities among other challenges.

Another major construction project unfairly interferes with our ability to use and enjoy our homes, property and neighbourhood.

4. Parking Problem

Currently, to the dismay of residents, Greystone and Greyfriar Drives have become a parking lot for the townhouses located on Garth Street and Stonechurch and houses on Glenvale Drive, in addition to the cars from persons who live in the neighbourhood. This presents a serious safety risk.

There are many times when vehicles are illegally parked in the area in front of and surrounding 96 Greystone Drive. They block access to the intersection on Greyfriar and Greystone, resident's driveways, snow plows and the fire hydrant. Pick-up trucks, trailers and commercial vehicles are left on Greystone and Greyfriar Drives during the weekends.

In the winter, it is difficult, dangerous, and sometimes impossible for cars to navigate through the neighbourhood because so many cars are parked on the street. Under these circumstances, it is frightening to think that Emergency Vehicles are not able to access the residences of seniors with health issues and persons with disabilities in the neighbourhood. While multiple complaints have been made, by-law enforcement is not always available or able to address these issues.

The insertion of a driveway onto what is now the front lawn of the property will only serve increase the congestion on Greyfriar Drive. Additionally, the situation becomes that much more

difficult as delivery vehicles and visitors to the property use Greyfriar Drive as a point of access to the house.

5. Increased burden on Diminishing/Overused Resources

The roadway directly beside and in front of 96 Greyfriar Drive is in terrible condition. Chunks of tar have uplifted and are scattered across the road to the detriment of cars; major potholes are filled with tar, only to reappear days later; just last summer a major sinkhole appeared and required major repair. Requests to the Counsellor have been ignored, and the street has not been paved for more than 15 years.

Increasing the number of residents on the street, and inserting an additional driveway on Greyfriar Drive results in more wear and tear on a roadway which is already in a state of ruin.

6. Disproportionate Allocation of the Costs of Commercial Activities

The development of this property is not an “affordable housing initiative”. Grand Canada Holdings—F. Ali Naqvi purchased 96 Greyfriar Drive as a single-family dwelling unit. It has since been converted to a for profit two-family dwelling unit without the consultation of residents in the neighbourhood. Now, in seeking to increase profits through the addition of a secondary dwelling unit, Grand Canada Holdings—F. Ali Naqvi is ignoring the needs of the neighbourhood and its residents.

The inherent assumption behind this business model is that many of the physical, social and economic costs of adding a secondary dwelling unit to the residential property will be borne by existing homeowners and residents. Such a model adversely affects the ability of existing residents—**many who have lived in the neighbourhood and paid taxes to the city for more than 30 years**, to use and enjoy their property and the neighbourhood in the short and long terms.

We respectfully request that the Committee of Adjustment:

- rejects the application for a minor variance at 96 Greyfriar Drive;
- rejects any current attempts to obtain approval for the conversion of the structure in the rear yard to a secondary dwelling unit;
- denies any future attempts to do the same.

Attached please find a list of residents in the community who endorse this petition.

NAME (printed)

James Beale

29 Graystone

ADDRESS

James Beale

29 Graystone.

SIGNATURE

[Signature]

email

[Signature]

NAME (printed)

Jeff Gardner

25 Greyfriar Dr.

ADDRESS

SIGNATURE

email

KATHY HICKEY

NAME (printed)

34 GREYFRIAR DR.

ADDRESS

ROBERT CAMERON

37 GREYFRIAR.

SIGNATURE

[Signature]

email

NAME (printed)

JOHN NOLAN

ADDRESS

10 GRAYSTONE DR.

SIGNATURE

[Signature]

email

NAME (printed)

SIGNATURE

Denise Harris KeoughD. Harris Keough

ADDRESS

email

34 Graystone Drive

NAME (printed)

SIGNATURE

Youssef Dimassi

ADDRESS

email

6 Graystone Dr.Youssef Dimassi

NAME (printed)

SIGNATURE

Katherine ConnollyKatherine Connolly

ADDRESS

email

6 Graystone Dr.

NAME (printed)

SIGNATURE

Elnathan FelicianoElnathan Feliciano

ADDRESS

email

5 Graystone Drive

NAME (printed)

SIGNATURE

MARY ANN VERBADELOMary Ann Verbadelo

ADDRESS

email

5 Graystone Drive

NAME (printed)

SIGNATURE

George MooreGeorge Moore

ADDRESS

email

92 Greyfriar

NAME (printed)

SIGNATURE

Heather SinclairH. Sinclair

ADDRESS

email

45 Graystone Dr.

NAME (printed)

SIGNATURE

Cobie MurrayC. Murray
email

ADDRESS

41 Graystone Drive

NAME (printed)

SIGNATURE

Rob WhippRob Whipp
email

ADDRESS

38 GRAYSTONE DR

NAME (printed)

SIGNATURE

Samantha MacDuffS. MacDuff
email

ADDRESS

30 Graystone

NAME (printed)

SIGNATURE

Steve DownieSteve Downie
email

ADDRESS

18 GRAYSTONE DR

NAME (printed)

SIGNATURE

Travis CasagrandeTravis Casagrande

ADDRESS

email

84 Greyfriar Dr
Hamilton, ON L9C 4S2

NAME (printed)

SIGNATURE

58 GREYFRIAR DR.
HAMILTON[Signature]

ADDRESS

email

NAME (printed)

SIGNATURE

Nese, Mustafa DIKICI

ADDRESS

email

49 Greyfriar Dr.

NAME (printed)

JOE SHANITZ

ADDRESS

85 GREYFRIAR DR

SIGNATURE

Shantz

email

NAME (printed)

MARY JACKSON

ADDRESS

50 Glenvale Dr.

SIGNATURE

M. Jackson

email

NAME (printed)

Valerie Nisbet

ADDRESS

58 Glenvale Dr.

SIGNATURE

V. Nisbet

email

NAME (printed)

Leo and Carolann Fernandes

ADDRESS

95 Greyfriar Dr.

SIGNATURE

C. Fernandes

email

NAME (printed)

VERA POZEG

ADDRESS

53 GREYFRIAR DR

SIGNATURE

Vera Pozeg

email

NAME (printed)

Amaris Pozeg

ADDRESS

64 Greyfriar Dr.

SIGNATURE

Pozegam@hsc.on.ca

email

NAME (printed)

ROD SHANTZ

ADDRESS

85 GREYFRIAR DR

SIGNATURE

Rod Shantz

email

NAME (printed)

BARBARA VIGOR

ADDRESS

72 GREYFRIAR DR.

SIGNATURE

email

B. Vigor

NAME (printed)

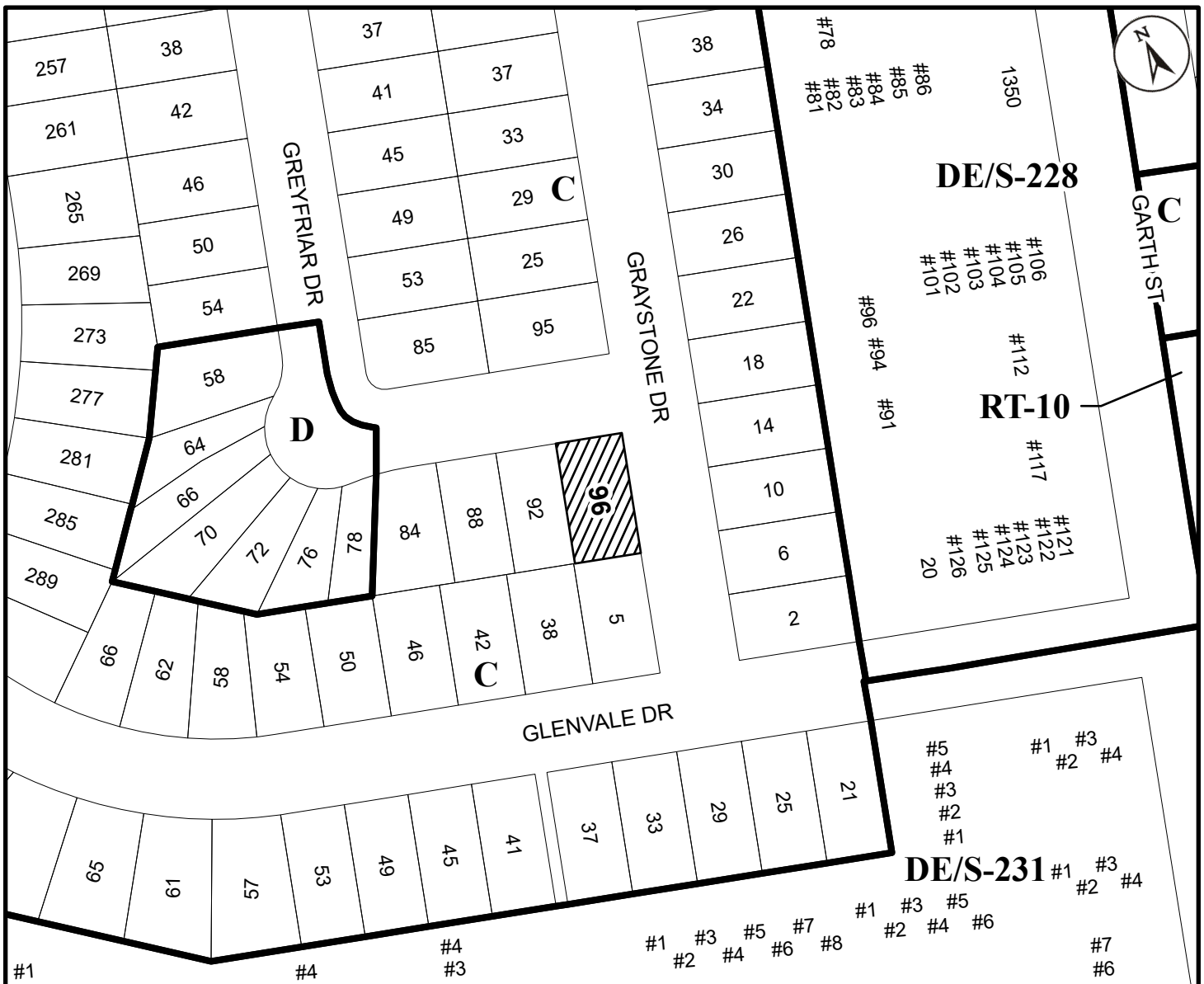
SIGNATURE

TAMARA FERNANDES.T. Fernandes

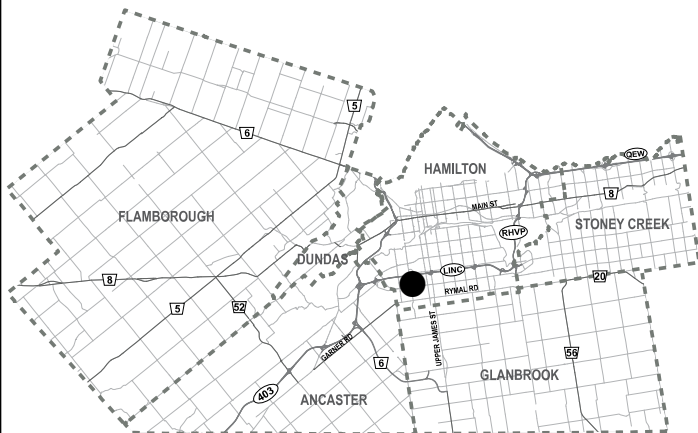
ADDRESS

email

95 GREYFRIAR DRIVE.



Site Location



City of Hamilton

Committee of Adjustment

Subject Property



96 Greyfriar Drive, Hamilton
(Ward 14)

File Name/Number:

HM/A-22:168

Date:

June 15, 2022

Technician:

VS

Map Not To Scale

Appendix "A"



Hamilton

PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT

HM/A-22:163 – 371 East 28th 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-22:163 – 371 East 28th St., Hamilton

PLANNING and ECONOMIC DEVELOPMENT DEPARTMENT

Development Planning – Suburban

This application is to permit no additional parking spaces for two Secondary Dwelling Units.

The following variances are requested:

1. Zero parking spaces be provided for two Secondary Dwelling Units instead of the required two parking spaces.

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).

City of Hamilton Zoning By-law No. 6593

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

Update to Secondary Dwelling Unit zoning regulations

Staff note that on June 8, 2022, City Council approved a housekeeping amendment to the Hamilton zoning by-laws which included modifications and updates to Parking Regulations 19.1.(ii) for existing Secondary Dwelling Unit and Secondary Dwelling Unit – Detached Regulations.

(ii) Parking shall be provided in accordance with Section 18(A) of this By-law and the following:

- (a) No additional parking space shall be required for either a Secondary Dwelling Unit or a Secondary Dwelling Unit - Detached, provided the required parking spaces which existed on May 12, 2021 for the existing dwelling shall continue to be provided and maintained;

Variance 1

The proposal in Figure 1 – Site Plan submitted by the applicant shows 1 legalized parking space in the front yard and 2 proposed parking spaces in the side yard with encroachment of 1.47m onto municipal property. A reduction to the required length of a parking space to 4.63 m would not be supported, as that is too small. As such, a

variance a been requested to permit zero (0) parking spaces for the Secondary Dwelling Unit.

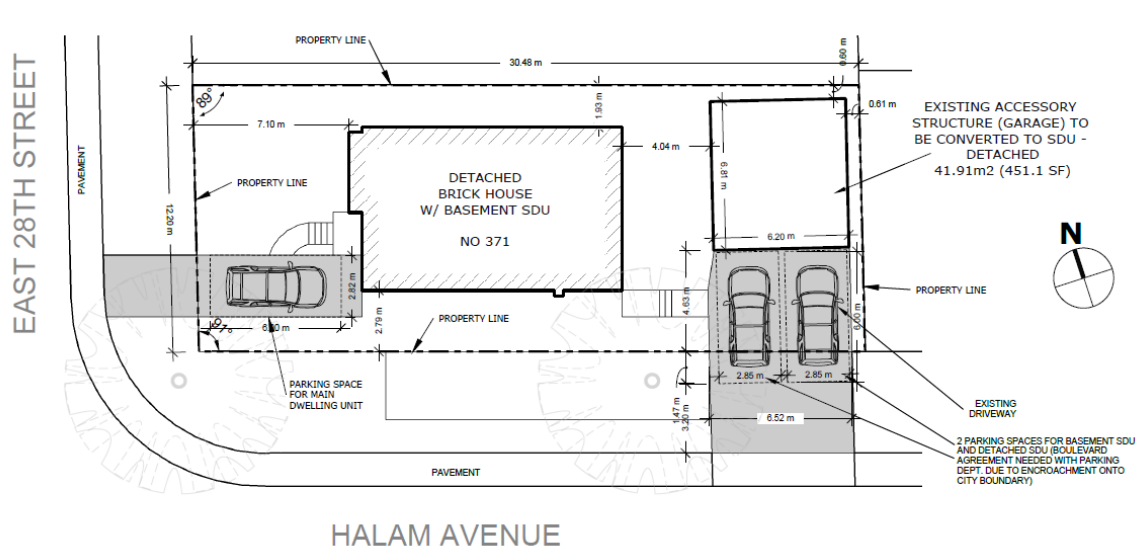


Figure 1

With the new regulations in place, the 371 East 28th Street no longer requires parking for SDUs provided the required parking for the principal dwelling is maintained. There should be no variances required as the location of the converted accessory building is recognized and is not subject to the regulations in Section 19.(1).2. of the SDU By-law. Variance is no longer required.

Zoning:

Application Tabled

Development Engineering:

No comments.

Transportation Planning:

1. Transportation Planning does not support the proposed variances unless the Owner/Applicant enters into an encroachment agreement for the proposed parking spaces that are within the municipal right-of-way.
2. Additional Information: Transportation Planning notes that the single car driveway access for the property should be as far away from the intersection of East 28th Street & Halam Avenue as possible.

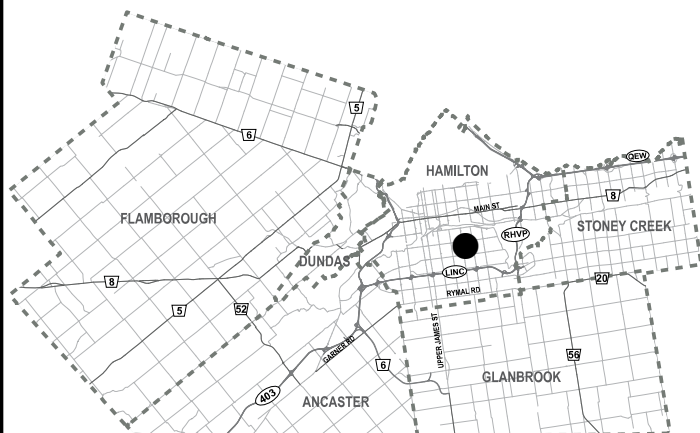
See attached for additional comments.

From: [Claude Jarvis](#)
To: [Committee of adjustment](#)
Subject: 371 East 28th St Hamilton On
Date: Tuesday, June 21, 2022 7:45:02 AM

I strongly oppose this minor variance application at 371 East 28th St Ham On in that the parking requirements are not met and requires a road allowance for the detached unit. The lot is too small and the amenity area required for SDU and Detached SDU will not be met.



● Site Location



City of Hamilton

Committee of Adjustment

Subject Property



371 East 28th Street, Hamilton
(Ward 7)

File Name/Number:

HM/A-22:163

Date:

June 15, 2022

Technician:

VS

Map Not To Scale

Appendix "A"



Hamilton

PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT

HM/A-22:166 – 1411 & 1415 Upper Wellington St., Hamilton

Consolidation Report

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

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

1. That the variance approval is conditional upon the approval of Site Plan application DA-22-040.

HM/A-22:166 – 1411 & 1415 Upper Wellington St., Hamilton

PLANNING and ECONOMIC DEVELOPMENT DEPARTMENT

Development Planning – Suburban

Urban Hamilton Official Plan

The Urban Hamilton Official Plan designates the property as “Neighbourhoods” on Schedule E-1 in the Urban Hamilton Official Plan to which the use complies.

Built Heritage

The applicant proposes to permit the construction of a building containing a long-term care facility and a retirement home in order to facilitate Site Plan File No DA-22-040.

A condition for a salvage agreement from the applicant has been placed on DA-22-040 which will be required to be met as part of that process. Staff have no further comments.

Hamilton Zoning By-Law No. 6593

The subject lands are zoned Major Institutional (I3) Zone, to which the use complies.

Variance 1 (Shared Parking)

Residents of the Seniors Citizens Multiple Dwelling on lands known municipally as 261 Stone Church Road East (Wellingstone Christian Multiple Dwelling) shall be permitted to use the parking facilities and the accessory uses within the Long Term Care Facility and Retirement Home on lands known municipally as 1411 – 1415 Upper Wellington Street (Shalom Manor) notwithstanding that parking facilities are only for the Long Term Care Facility and Retirement Home and the accessory uses are only permitted to be used by the residents of the Long Term Care Facility and Retirement Home.

Staff note since these lands are all the similar uses, there is no implications of the shared facilities. Staff are satisfied with the variance.

Recommendation

Based on the preceding information, Staff recommend that the variance be **approved** as it meets the intent of the Zoning By-law, is minor in nature and is desirable for the subject lands.

Condition (if approved):

1. That the variance approval is conditional upon the approval of Site Plan application DA-22-040.

Zoning:

1. The “T8” zone shall be added to the “Zone” information so that the zoning is shown as “I3,745, H39, T8”.
2. The variance is necessary to facilitate Site Plan File No. DA-22-040.
3. The ‘H39’ Holding provision shall be removed prior to the commencement of the proposed development.
4. 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 culturalheritageplanning@hamilton.ca for further information.
5. Be advised that Ontario Building Code regulations may require specific setback and construction types.
6. A building permit is required for construction of the proposed building.
7. A demolition permit is required for the demolition of the existing building.

Development Engineering:

Development Approvals has no comments regarding the minor variance as proposed. Please note that detailed grading, servicing and stormwater management will be reviewed under the active Site Plan Control application DA-22-040.

See attached for additional comments.

From: [Cathy Plosz](#)
To: [Committee of adjustment](#)
Cc: [Evans, Morgan](#)
Subject: Committee of Adjustment (June 23 Agenda)
Date: Tuesday, June 21, 2022 11:41:28 AM
Attachments: [image001.png](#)

Hi Morgan,

I apologize for being late with HCA's comments for this agenda. I have provided brief comments below.

HM/B-22:40 – 289 Stone Church Road East, Hamilton. The owner proposes to sever a 3.41 ha property which is currently vacant for future development. The property is not currently regulated by HCA. However, the proposed severed lands contain a Core Area (Significant Woodland) identified by the City of Hamilton in its Natural Heritage System in the Urban Hamilton Official Plan (UHOP). Karst features have also been observed in the surrounding area. Therefore, any proposed future development may require environmental studies, including an Environmental Impact Statement (EIS) and a karst assessment. However, HCA has no objection to the proposed severance.

HM/A-22:166 - 1411-1415 Upper Wellington – The proposed variance is to permit the lands at 261 Stone Church Road East to use 15 parking spaces and accessory uses proposed at 1411 and 1415 Upper Wellington Street. HCA has previously provided comments on the site plan (DA-22-040) and will continue to address concerns through this process. Therefore, HCA has no objection to the proposed variance.

FL/B-20:46 - 13 Herbert Place, Flamborough –The applicant proposes to sever the property into two residential lots. Part 1 retained lands are 4,425.5 m² (existing home) and Part 2 severed lands are 0.85 ha (vacant). This property was the subject of two previous severance applications (FL/B-09:23 and FL/B-03:46). HCA understands that the previous application was approved with conditions but the application has lapsed. The property does not contain any natural hazard lands or natural heritage features and is not affected by the Hamilton Conservation Authority's Development, Interference with Wetlands, and Alterations to Shorelines and Watercourses Regulation 161/06. Therefore, future development on the severed parcel will not require a permit from HCA. HCA has no objection to the proposed severance.

SC/A-22:174 - 68 Seabreeze Crescent, Stoney Creek. The property is affected by HCA's Development, Interference with Wetlands, and Alteration to Shorelines and Watercourses Regulation 161/06 made under the Conservation Authorities Act, R.S. O. 1990 due to flood and erosion hazards associated with the Lake Ontario shoreline. According to Provincial and HCA natural hazards policy, any future house construction must be outside of these hazards. The applicant has previously submitted a Permit application to HCA, and was advised that a shoreline erosion setback of 24.6 metres is required and that HCA policy also requires a 6 metre side yard access to allow future access to the shore wall for maintenance. The plan is now showing a 26.18 m shoreline erosion setback and a 4.5 metre erosion access allowance for maintenance of the shore wall. HCA is generally satisfied with the proposed plan. A permit from HCA will be required prior to any proposed development or site alteration.

If you have any questions about these comments, please let me know. Since the comments are relatively brief, and HCA concerns are being addressed through other planning processes, review fees are not required.

Cathy Plosz, M.Sc., MCIP, RPP

Senior Planner, Watershed Management Services

Hamilton Conservation Authority

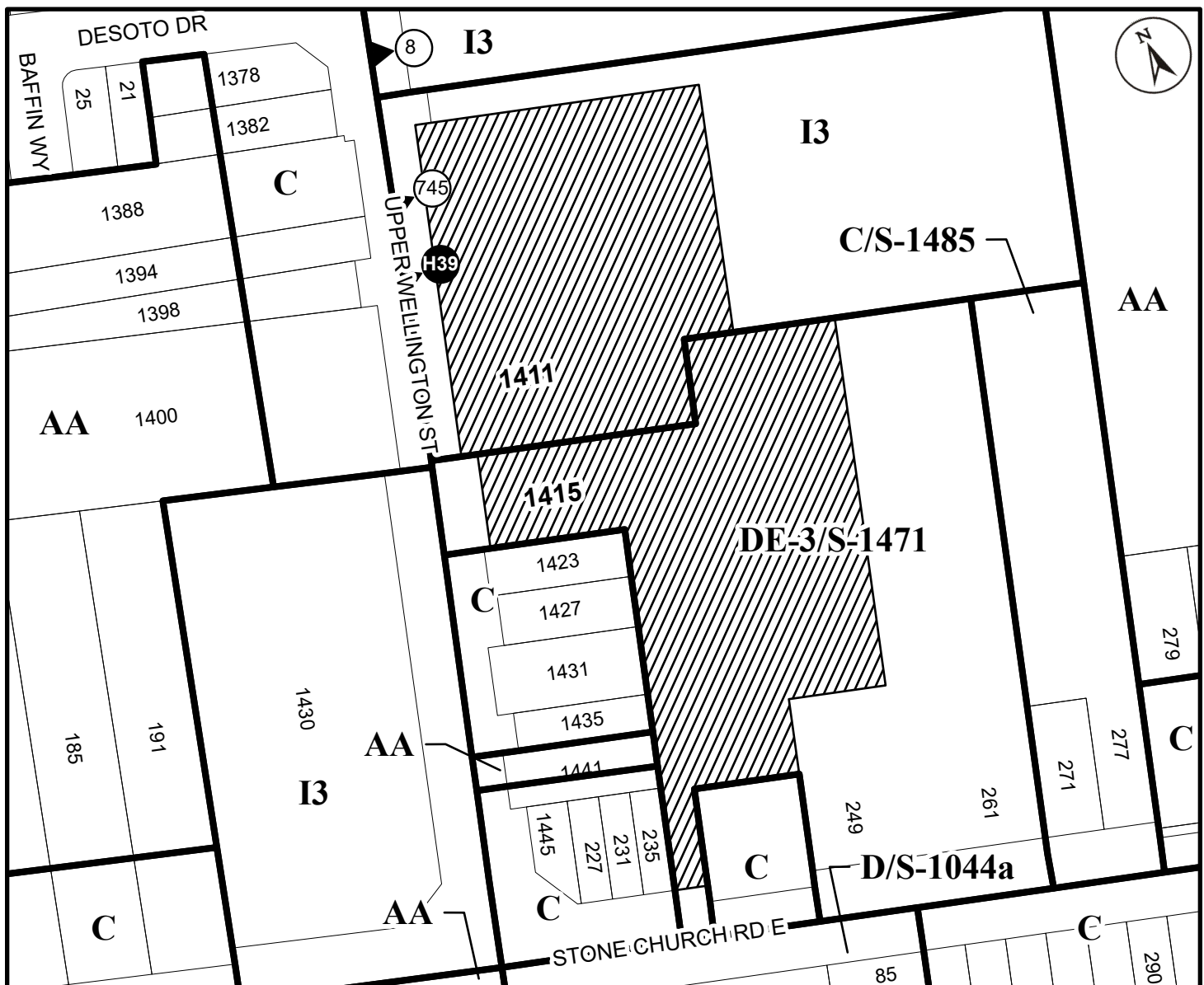
838 Mineral Springs Road, P.O. Box 81067

Ancaster, ON L9G 4X1

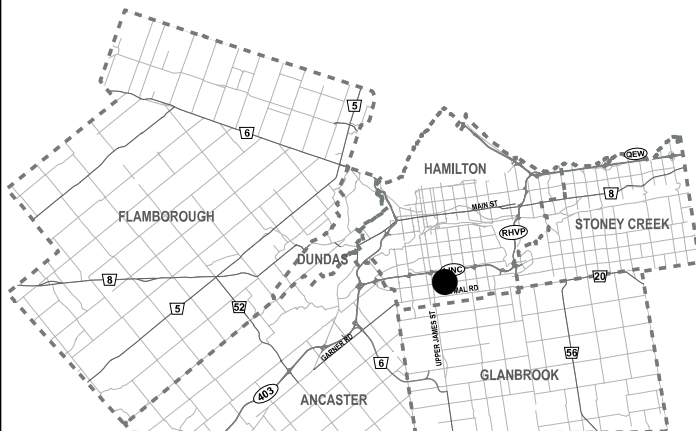
Phone 905-525-2181 Ext. 132

Email cathy.plosz@conservationhamilton.ca





● Site Location



City of Hamilton

Committee of Adjustment

Subject Property



1411 & 1415 Upper Wellington Street,
Hamilton (Ward 7)

File Name/Number:

HM/A-22:166

Date:

June 15, 2022

Technician:

VS

Map Not To Scale

Appendix "A"



Hamilton

PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT

HM/A-22:173 – 225 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-22:173 – 225 East 24th St., Hamilton

PLANNING and ECONOMIC DEVELOPMENT DEPARTMENT

Development Planning – Suburban

The purpose of this application is to establish a Secondary Dwelling Unit with an entrance facing the front lot line within an existing Single-Family Dwelling, notwithstanding the following;

1. A separate entrance and exit to the Secondary Dwelling Unit shall be oriented toward the Front Lot Line instead of the required orientation to the Interior Lot Line or Rear Lot Line.

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, Secondary Dwelling units and accessory structures are permitted within this designation (UHOP Volume 1 – E.3.4.3).

Former Hamilton Zoning By-Law 6593

The subject property is zoned Urban Protected Residential – One- and Two-Family Dwellings and etc. “D” Zone in the former City of Hamilton Zoning By-law (6593), which permits a two-family dwelling, together with the accommodation of lodgers to the number of not more than three in each Class A dwelling unit. Section 10.8 states “any alteration, extension or enlargement of the continuing uses after the passing of the By-Law shall be permitted:

- (i) A Townhouse Dwelling subject to the “RT-10” District provisions;
- (ii) A Street Townhouse Dwelling subject to the “RT-30” District provisions.”

Amending By-Law 21-076 Section 2.19.(1)(ix) states that “a single detached dwelling containing on Secondary Dwelling Unit... shall not be considered a duplex or triplex.” Section 2.19.(1)(xvii) states “any separate entrance and exit to the Secondary Dwelling Unit shall be oriented toward the interior Side Lot Line or Rear Lot Line”.

Variance 1

The request to orient a separate entrance and exit to the Secondary Dwelling Unit toward the Front Lot Line instead of the required orientation to the Interior Lot Line or Rear Lot Line would alter the dwelling unit making it a duplex, which is not permitted in the Urban Protected Residential – One- and Two-Family Dwellings and etc. “D” Zone. According to

the Amending By-Law 21-076 any separate entrance and exit to the Secondary Dwelling Unit shall not be oriented toward the front lot line.

In staff's opinion, the proposed orientation of the entrance and exit for the Secondary Dwelling Unit is not desirable for the appropriate development of the building and it is not in keeping with the general intent and purpose of the Zoning By-Law. Staff **does not support** the variance.

Recommendation:

Having regard for the matters under subsection 45(1) of the Planning Act, staff are satisfied that the requested variance maintains the purpose and intent of the Official Plan, however, staff is not satisfied that the requested variances maintain the purpose and intent of the Zoning By-law. The variance is not desirable for the appropriate development of the land, and hence not minor in nature. Staff recommends that the requested variance, as outlined in the Notice of Hearing, be **Denied**.

Zoning:

1. Additional variances may be required if the total area for front yard landscaping does not meet the required 50% minimum for front yard landscaping.
2. The height of the elevated deck in the rear yard has not been provided. As per Subsection 18 (3)(vi)(e) a terrace, uncovered porch, platform or ornamental feature which does not extend more than 1.0 metre (3.28 feet) above the floor level of the first storey, may project into a required yard, if distant at least 0.5 metres (1.64 feet) from the nearest side lot line. Should the elevated deck be higher than 1.0 metre above the first-floor level the requirements of Subsection 18 (3)(vi)(cc) shall apply and further variances may be required.
3. Building Permit # 20-194440, revised on February 11, 2022, for the change of use to convert an existing single-family dwelling to a two-family dwelling is currently under review and remains not finalized.
4. The variance as requested by the applicant as it pertains to a conversion to a Two-Family Dwelling makes reference to Subsection 19 (1)(iii) of Zoning By-Law Amendment 92-281 regarding the preservation of the external appearance and character of the Single-Family Dwelling. As of May 12, 2021, Subsection Section 19 (1) of Hamilton Zoning By-Law 6593 has been deleted in its entirety and replaced with the provisions of Zoning By-Law Amendment 21-076, 21-167 and 22-137 (which remains Not Final and Binding). As such, the proposed dwelling has been reviewed as a Secondary Dwelling Unit and the applicable requirements have been applied. Should the proposed dwelling be considered a Two-Family Dwelling, the requirements of the "D" District (Urban Protected Residential

- One- and Two-Family Dwellings, Etc.) shall be applied and further variances may be required.

5. The requested variance as it pertains to Subsection 19 (1)(iii) of Zoning By-Law Amendment 92-281 has requested relief from the requirement to preserve the external appearance and character of the dwelling to permit a second entrance oriented towards the front lot line. As per Amending By-Law 21-076, Amending By-Law 21-167 and Amending By-Law 22-137 (which remains Not Final and Binding) the requirement to preserve the external appearance and character of the dwelling has been deleted and replaced with the requirement of "A maximum of one entrance shall be permitted on the front façade of a dwelling containing a Secondary Dwelling Unit."
6. A building permit is required for the conversion of the proposed Secondary Dwelling Unit.
7. Be advised that Ontario Building Code regulations may require specific setback and construction types.
8. Approvals through a City of Hamilton Planning process do not confirm or establish conformity with the Ontario Building Code (OBC). It is the owner/applicant's responsibility to ensure compliance with the Ontario Building Code for the proposed Secondary Dwelling Unit. In addition to other areas, the OBC compliance may include: Fire Department Access, type of construction permitted, maximum area(s) of permitted glazed openings, and distance separation requirements to the property lines for the Secondary Dwelling Unit as well at the principle dwelling on the property. Additional requirements around water and sewer servicing requirements shall also be taken into consideration and must comply with the Ontario Building Code and City of Hamilton municipal standards. Note, water and sewer services may be permitted to be connected through the existing dwelling on the property however this may require additional upgrades to the existing water and or sewer services which could impose additional costs to the owner.

Any proposed construction is also subject to the issuance of building permits in the normal manner and possibly approvals from Growth Management and/or Public Works.

Development Engineering:

Provided the existing drainage pattern is maintained, Development Approvals have no comments.

See attached for additional comments.

HM/A-22:173
225 East 24th St., Hamilton



Adjacent City Owned Property PIN: 170560270

Real Estate Comments: Be advised there is a City owned alley to the rear of the subject property.

APPLICATION NO.:	HM/A-22:173	SUBJECT PROPERTY:	225 EAST 24TH STREET, HAMILTON
ZONE:	"D" (Urban Protected Residential – One and Two Family Dwellings and etc.)	ZONING BY-LAW:	Zoning By-law 6593, as Amended

APPLICANTS: Agent J. Stirling
 Owner W. Suh

The following variances are requested:

1. A separate entrance and exit to the Secondary Dwelling Unit shall be oriented toward the Front Lot Line instead of the required orientation to the Interior Lot Line or Rear Lot Line.

PURPOSE & EFFECT: So as to establish a Secondary Dwelling Unit with an entrance facing the front lot line within an existing Single Family Dwelling.

From: [Claude Jarvis](#)
To: [Committee of adjustment](#)
Subject: 225 East 24th St Ham On
Date: Tuesday, June 21, 2022 7:52:53 AM

I strongly oppose the minor variance application at 225 East 24th St Ham On in that the 2 doors in front of the main dwelling are not allowed in the current By-Law and the required 50% landscape area in front of main dwelling will not be maintained.

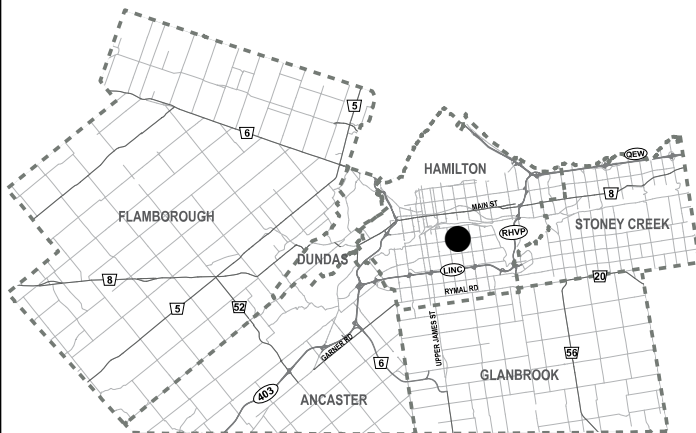
From: [Amanda Dunnett](#)
To: [Committee of adjustment](#)
Subject: Application HM/A-22:173
Date: June 12, 2022 5:50:07 PM

I purchased my house 3 years ago. The purpose was to have a safe quiet home to take care of my senior mother. The area was a quiet peaceful area up until several months ago when 225 house was turned into a multi-family home. It is said that that house has three units in it, a bunch of dogs and has created many issues on this street. The police have been called to that house at least once. The renters all have cars and have had arguments about where one can park, and who can park in the parking space in the driveway and who can park on the street. There are currently more than three cars for that house and there is only one legal parking space in the driveway. With three apartment units they have more garbage than is allowed per house so each week the garbage collectors only take half the garbage and the tenants leave the rest for days outside which attracts wildlife. The late-night parties are so noisy and go well in till the early hours of the morning on work days. What was once a nice quiet street to live on has become an overpopulated disorderly neighbourhood. I don't see turning private homes into multi units is a good plan for small neighborhoods therefore I am not in agreement with the variance changes.

Amanda Dunnett
221 East 24th Street



● Site Location



City of Hamilton

Committee of Adjustment

Subject Property



225 East 24th Street, Hamilton
(Ward 7)

File Name/Number:

HM/A-22:173

Date:

June 15, 2022

Technician:

AL

Map Not To Scale

Appendix "A"



Hamilton

PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT

HM/B-22:46 – 389 Limeridge Rd. E., Hamilton

Consolidation Report

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

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

1. The owner shall submit a deposited Ontario Land Surveyor's Reference Plan to the Committee of Adjustment Office, unless exempted by the Land Registrar. The reference plan must be submitted in pdf and also submitted in CAD format, drawn at true scale and location and tied to the City corporate coordinate system. (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 provide confirmation of the existing uses on the lands to be retained in order to determine compliance with the permitted uses of the I1, 776 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 (Planning Division – Zoning Examination Section).
5. That the Owner complete the transfer deeds to dedicate a 4.5m x 4.5m daylight triangle at the corner of Kingfisher Drive and Limeridge Road East for road widening purposes at their costs and to the City satisfaction.
6. That the owner submits and receive approval of a Tree Protection Plan for the lands to be retained, including the review fee as per the Schedule of Rates and Fees, prepared by a qualified tree management professional (i.e. certified arborist, registered professional forester or landscape architect), to the satisfaction of the Manager of Development Planning.
7. Landscape Plan: That the owner submits and receives approval of a Landscape Plan, prepared by a qualified tree management professional (i.e. certified arborist, registered professional forester or landscape architect), to the satisfaction of the Manager of Development Planning.

8. That the owner shall investigate the noise levels on the severed lands and determine and implement the noise control measures that are satisfactory to the City of Hamilton in meeting the Ministry of Environment, Conservation and Parks (MECP) recommended sound level limits. An acoustical report prepared by a qualified Professional Engineer containing the recommended noise control measures shall be submitted to the satisfaction of the City of Hamilton, Director of Planning and Chief Planner. Should a peer review of the acoustical report be warranted, all associated costs shall be borne by the owner and shall be submitted to the satisfaction of the City of Hamilton, Director of Planning and Chief Planner.
9. That all upgrades to municipal services and any new services required for the proposed lots fronting onto Limeridge Road and Kingfisher Drive shall be completed, to the satisfaction of the Manager of Development Planning.
10. That the Owner complete the transfer deeds to dedicate a 4.5m x 4.5m daylight triangle at the corner of Kingfisher Drive and Limeridge Road East for road widening purposes at their costs and to the City satisfaction. (Development Engineering)
11. The existing right-of-way at the subject property is approximately 23 metres along Limeridge Road East. Approximately 3 metres are to be dedicated to the right-of-way on Limeridge Road East, as per the Council Approved Urban Official Plan: Schedule C-2 - Future Right-of-Way Dedications. Limeridge Road East is to be 26.213 metres from 150 metres west of Upper Wentworth to 150 metres east of Upper Gage. (To the satisfaction and approval of the Manager, Transportation Planning)
12. Limeridge Road East is a Collector Road and Kingfisher Drive is a Local Road. The Applicant is to dedicate a 9.14 metres x 9.14 metres Daylighting Triangle to the right-of-way, as per the Council Approved Urban Official Plan: Chapter C - City Wide Systems and Designations 4.5 Road Network Functional Classification; Daylighting Triangles 4.5.7. (To the satisfaction and approval of the Manager, Transportation Planning)
13. A survey conducted by an Ontario Land Surveyor and at the Applicant's expense will determine the ultimate dimensions for the right-of-way widenings. (To the satisfaction and approval of the Manager, Transportation 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 (Anshe Sholem Cemetery) will remain as **389, 391, & 427 Road (Hamilton)** and the lands to be conveyed (Lots 1 to 20) will be addressed according to the table below:

Lot # Address

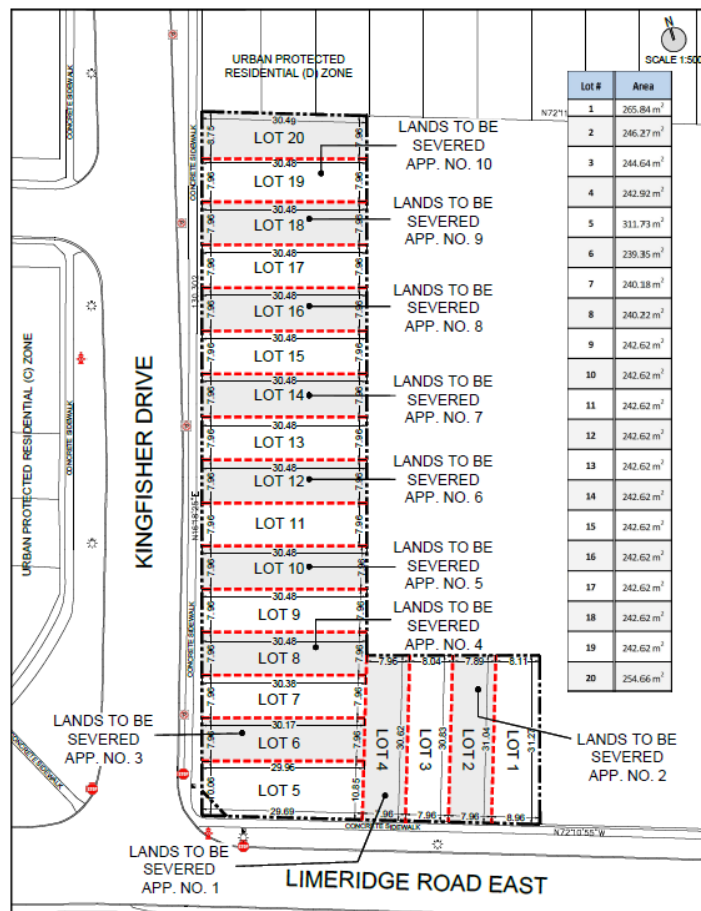
1. 385 Limeridge Road East
2. 383 Limeridge Road East
3. 381 Limeridge Road East
4. 379 Limeridge Road East
5. 5 Kingfisher Drive
6. 7 Kingfisher Drive
7. 9 Kingfisher Drive
8. 11 Kingfisher Drive
9. 13 Kingfisher Drive
10. 15 Kingfisher Drive
11. 17 Kingfisher Drive
12. 19 Kingfisher Drive
13. 21 Kingfisher Drive
14. 23 Kingfisher Drive
15. 25 Kingfisher Drive
16. 27 Kingfisher Drive
17. 29 Kingfisher Drive
18. 31 Kingfisher Drive
19. 33 Kingfisher Drive
20. 35 Kingfisher Drive

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. (Forestry Section)

HM/B-22:46 – 389 Limeridge Rd. E., Hamilton**PLANNING and ECONOMIC DEVELOPMENT DEPARTMENT****Development Planning – Suburban**

The purpose of these severance applications is to create 20 lots for future semi-detached dwellings, see Figure 1 and to retain ± 1.89 hectare of land containing cemetery lands and an existing dwelling to remain, see Figure 2.

Figure



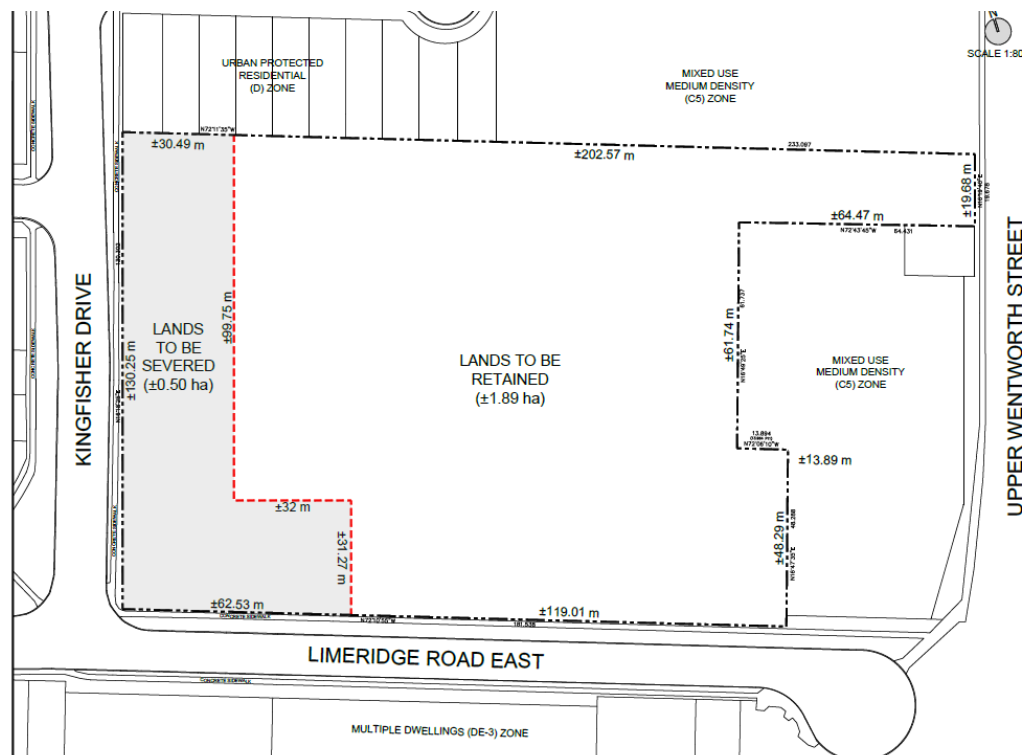


Figure 2

The lot dimensions for each severance application as followed:

Application HM/B-22:46:

	Frontage	Depth	Area
SEVERED LANDS:	130.25m [±] Kingfisher & 62.53 m [±] Limeridge	130.25 m [±]	0.5 ha [±]
RETAINED LANDS:	1119.01 m [±] Limeridge	131.02 m [±]	1.89 ha [±]

Application HM/B-22:47: (Lot 4 & Lot 1,2,3):

	Frontage	Depth	Area
SEVERED LANDS: (Lot 4)	7.96 m [±]	31.04 m [±]	246.92 m ^{2±}
RETAINED LANDS: (Lot 1, 2 & 3)	24.88m [±] & 29.85m [±] Limeridge Rd. E. 130.25m [±] Kingfisher Dr.	31.27m & 130.25m [±]	756.70m ^{2±} & 3,958.04m ^{2±}

Application HM/B-22:48: (Lot 2, Lot 1 & Lot 3)

	Frontage	Depth	Area
--	----------	-------	------

SEVERED LANDS: (Lot 2)	7.96 m [±] Limeridge Rd. E.	31.04 m [±]	242.92 m ^{2±}
RETAINED LANDS: (Lot 1 & 3)	7.96 m [±] & 8.96 m [±] Limeridge Rd. E.	30.62 m [±]	244.64 m ^{2±}

Application HM/B-22:49 (Lot 5 & Lot 6):

	Frontage	Depth	Area
SEVERED LANDS:	7.96 m [±] Kingfisher Dr.	29.96 m [±]	239.35 m ^{2±}
RETAINED LANDS:	5.03 m [±] & 112.23m [±] Kingfisher Dr.	30.17 m [±]	311.73 m ^{2±} & 3,406.95 m ^{2 ±}

Application HM/B-22:50 (Lot 7 & Lot 8):

	Frontage	Depth	Area
SEVERED LANDS:	7.96 m [±] Kingfisher Dr.	30.17 m [±]	240.22 m ^{2±}
RETAINED LANDS:	7.96m [±] & 96.31 m [±] Kingsfisher Dr.	30.17 m [±]	240.18 m ^{2±} & 2,916.40 m ^{2±}

Application HM/B-22:51 (Lot 9 & Lot 10):

	Frontage	Depth	Area
SEVERED LANDS:	7.96 m [±] Kingfisher Dr.	30.48 m [±]	242.62 m ^{2±}
RETAINED LANDS:	7.96 m [±] & 80.39 m [±] Kingfisher Dr.	30.48 m [±]	242.36 m ^{2±} & 2,438.25 m ^{2±}

Application HM/B-22:52 (Lot 11 & Lot 12):

	Frontage	Depth	Area
SEVERED LANDS:	7.96 m [±] Kingfisher Dr.	30.48 m [±]	242.62 m ^{2±}
RETAINED LANDS:	7.96 m [±] & 64.47 m [±] Kingfisher Dr.	30.48 m [±]	242.62 m ^{2±} & 1,953.01 m ^{2±}

Application HM/B-22:53 (Lot 13 & 14):

	Frontage	Depth	Area
SEVERED LANDS:	7.96 m [±]	30.48 m [±]	242.62 m ^{2±}
RETAINED LANDS:	7.96 m [±] & 48.55m [±]	30.48 m [±]	242.62 m ^{2±} & 1,467.76 m ^{2±}

Application HM/B-22:54 (Lot 15 & 16):

	Frontage	Depth	Area
SEVERED LANDS:	7.96 m [±]	30.48 m [±]	242.62 m ^{2±}
RETAINED LANDS:	7.96 m [±] & 32.63 m [±]	30.48 m [±]	242.62 m ^{2±} & 982.52 m ^{2±}

Application HM/B-22:55 (Lot 17 & 18):

	Frontage	Depth	Area
SEVERED LANDS:	7.96 m [±]	30.48 m [±]	242.62 m ^{2±}
RETAINED LANDS:	7.96 m [±] & 16.71 m [±]	30.48 m [±]	242.62 m ² & 497.28 m ^{2±}

Application HM/B-22:56 (Lot 19 & 20):

	Frontage	Depth	Area
SEVERED LANDS:	7.96 m [±]	30.48 m [±]	242.62 m ^{2±}
RETAINED LANDS:	8.75 m [±]	30.48 m [±]	254.66 m ^{2±}

Background

The applicant had a Formal Consultation – FC-20-033 on April 29, 2020. The proposal was to sever a portion of the surplus lands from the existing cemetery to develop for residential uses fronting onto Kingfisher Drive and Limeridge Road East. The applicant proposed to develop either 15 single detached dwellings or 20 semi-detached dwellings. The property is currently used as a cemetery; however, the area where the lots are proposed is undeveloped. At the time of this Formal Consultation, the subject lands were zoned Agricultural District “AA” Zone and the applicant were recommended to go through a Zoning By-law Amendment and followed by a Plan of Subdivision. On April 13, 2022, By-Law No. 22-084 passed by Council changed the zoning of the subject property to Neighbourhood Institutional (I1, 776) Zone, which allows the use of semi-detached dwellings.

Archaeology

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

- 1) 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.

As part of previous application FC-20-033, Stage 1-2 P389-0507-2020 archaeological report for the subject property were submitted to the City and the Ministry of Heritage, Sport, Tourism and Culture Industries. The Province signed off on the reports for compliance with licensing requirements in a letter dated March 22, 2021.

Notwithstanding the foregoing, given the projects location within an existing cemetery, Heritage staff defer to the BAO and the Ministry for any specific cemetery restrictions and/or setbacks or buffer areas that may be required.

Please see below for recommended contacts to confirm the status of the cemetery and associated restrictions:

Ray Porrill, BAO
(647) 483-2645 Ext 205
E-mail: Ray.Porrill@thebao.ca

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

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).

New lots for residential uses in the “Neighbourhoods” designation are permitted when they meet the criteria of F.1.14.3.1 (UHOP Volume 1). The proposal is a good form of Residential Intensification, and accordingly, it has been evaluated based on the policies of Sections B.2.4.1.4 and B.2.4.2.2 (UHOP Volume 1). It is the opinion of staff that the proposed development is compatible with the surrounding area in terms of use and size. The proposed lots will integrate well with the lot pattern of the neighbourhood and are of adequate size to support a building footprint for the intended use.

Residential Intensification:

The subject lands are within an established area. In accordance with Section B.2.4.2– Residential Intensification, and as required by Policy E.3.2.4, the proposed development in the area shall enhance and be compatible with the scale and character of the existing residential neighbourhood.

Staff defer comments respecting site servicing and driveway accesses to Development Engineering and Transportation Planning respectively.

Noise:

Limeridge Road in this location is identified as a collector road on Schedule C – Functional Road Classification in the UHOP. The proposed consent is for residential purposes, since

residential is a sensitive land use, a noise feasibility study, or detailed noise study, or both, would need to be submitted for review and approval in order to conform to Policy B.3.6.3.7 Road and Railway Traffic Noise and Vibration of the UHOP.

Natural Heritage:

The subject lands contain existing trees which may conflict with the proposed development. A Tree Protection Plan and associated Landscape Plan showing required compensation would need to be submitted for review and approval in order to conform with Policy C.2.11.1 Tree and Woodland Protection of the UHOP.

Lot Creation:

The UHOP provides policy direction for the implementation of new lot creation which states

F.1.14.1.1 The division of land shall occur by registered plan of subdivision where:

- a) a new road or an extension to an existing road is required; and,
- b) it is deemed in the public interest for the proper and orderly development of lands.

No new roads are proposed as part of the proposal and planning staff are satisfied that the lot layout constitutes orderly development of the lands. Staff note that the UHOP does not establish a maximum number of new lots that can be created without triggering the requirement for a Plan of Subdivision application.

Cultural Heritage

The subject property comprises the Anshe Sholom Cemetery and is included in the City's Inventory of Heritage properties

The City recognizes there may be cultural heritage properties that are not yet identified or included in the Register of Property of Cultural Heritage Value or Interest nor designated under the Ontario Heritage Act, but still may be of cultural heritage interest. These may be properties that have yet to be surveyed, or otherwise identified, or their significance and cultural heritage value has not been comprehensively evaluated but are still worthy of conservation.

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

Accordingly, the following sections of the Urban Hamilton Official Plan, Volume 1, apply:

B.3.4.1.3 “Ensure that all new development, site alterations, building alterations, and additions are contextually appropriate and maintain the integrity of all on-site or adjacent cultural heritage resources.” and,

B.3.4.2.1(g) “Ensure the conservation and protection of cultural heritage resources in planning and development matters subject to the Planning Act either through appropriate planning and design measures or as conditions of development approvals.”

B.3.4.2.1(h) “Conserve the character of areas of cultural heritage significance, including designated heritage conservation districts and cultural heritage landscapes, by encouraging those land uses, development and site alteration activities that protect, maintain and enhance these areas within the City.”

The applicant proposes to permit the conveyance of a vacant parcel of land for the future development of semi-detached residential dwelling and to retain a parcel of land containing cemetery lands and dwelling to remain.

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. Staff have no further comments on the application as circulated.

Zoning By-law

The subject lands are zoned Neighbourhood Institutional (I1, 776) Zone which permits the use of semi-detached dwellings, in accordance with the applicable provisions.

Recommendation:

Having regard for the matters under subsection 51(24) of the Planning Act, staff is satisfied that the proposed lots are suitable for the use of the land, and that the proposed consents conform to the Official Plan, subject to the conditions outlined below. Planning staff are recommending conditions of approval to be applied to Consent HM/B-22:46 which is required to facilitate the 20 other Consent applications creating the individual lots for semi-detached dwellings. Staff recommends that the proposed consents, as outlined in the Notices of Hearing, be **approved**, subject to the following conditions:

HM/B-22:46 CONDITIONS: (If Approved)

1. That the owner submits and receive approval of a Tree Protection Plan for the lands to be retained, including the review fee as per the Schedule of Rates and Fees, prepared by a qualified tree management professional (i.e. certified arborist, registered professional forester or landscape architect), to the satisfaction of the Manager of Development Planning.

2. Landscape Plan: That the owner submits and receives approval of a Landscape Plan, prepared by a qualified tree management professional (i.e. certified arborist, registered professional forester or landscape architect), to the satisfaction of the Manager of Development Planning.
3. That the owner shall investigate the noise levels on the severed lands and determine and implement the noise control measures that are satisfactory to the City of Hamilton in meeting the Ministry of Environment, Conservation and Parks (MECP) recommended sound level limits. An acoustical report prepared by a qualified Professional Engineer containing the recommended noise control measures shall be submitted to the satisfaction of the City of Hamilton, Director of Planning and Chief Planner. Should a peer review of the acoustical report be warranted, all associated costs shall be borne by the owner and shall be submitted to the satisfaction of the City of Hamilton, Director of Planning and Chief Planner.
4. That all upgrades to municipal services and any new services required for the proposed lots fronting onto Limeridge Road and Kingfisher Drive shall be completed, to the satisfaction of the Manager of Development Planning.

HM/B-22:47 to 56 CONDITIONS: (IF APPROVED)

1. That the owner receives final and binding approval of Severance application HM/B-22:46, to the satisfaction of the Manager of Development Planning.

Zoning:

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. Please visit <https://www.hamilton.ca/city-planning/official-plan-zoning-by-law/residentialzones> or email residentialzoning@hamilton.ca for further information.

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

1. The applicant shall provide confirmation of the existing uses on the lands to be retained in order to determine compliance with the permitted uses of the I1, 776 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 (Planning Division – Zoning Examination Section).

Development Engineering:

Information:

1) The existing municipal infrastructure fronting the subject properties is as follows:

Limeridge Road East

- 450mmø Sanitary Sewer @ $\pm 0.3\%$
- 1500mmø Storm Sewer @ $\pm 0.4\%$
- 300mmø Ductile Iron Watermain (north side)
- 1050mmø Concrete Watermain (south side, transmission watermain – service connections are not permitted)

Kingfisher Drive

- 300mmø Sanitary Sewer @ $\pm 0.3\%$ (at the north limit)
- 375mmø Sanitary Sewer @ $\pm 0.3\%$
- 1050mmø Storm Sewer @ $\pm 0.3\%$ (at the north limit)
- 1200mmø Storm Sewer @ $\pm 0.3\%$
- 150mmø Ductile Iron Watermain

2) For the information of the applicant, Transportation Planning has identified a daylighting triangle requirement at the intersection of Kingfisher Drive and Limeridge Road East.

Required Conditions:

1. That the Owner complete the transfer deeds to dedicate a 4.5m x 4.5m daylight triangle at the corner of Kingfisher Drive and Limeridge Road East for road widening purposes at their costs and to the City satisfaction.

Growth Management:

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 (Anshe Sholem Cemetery) will remain as **389, 391, & 427 Road (Hamilton)** and the lands to be conveyed (Lots 1 to 20) will be addressed according to the table below:

Lot # Address

1. 385 Limeridge Road East
2. 383 Limeridge Road East
3. 381 Limeridge Road East
4. 379 Limeridge Road East

5. 5 Kingfisher Drive
6. 7 Kingfisher Drive
7. 9 Kingfisher Drive
8. 11 Kingfisher Drive
9. 13 Kingfisher Drive
10. 15 Kingfisher Drive
11. 17 Kingfisher Drive
12. 19 Kingfisher Drive
13. 21 Kingfisher Drive
14. 23 Kingfisher Drive
15. 25 Kingfisher Drive
16. 27 Kingfisher Drive
17. 29 Kingfisher Drive
18. 31 Kingfisher Drive
19. 33 Kingfisher Drive
20. 35 Kingfisher Drive

We ask that the following be noted to the applicants:

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

Transportation Planning:

1. Transportation Planning has no objection to the land severance application, provided the following conditions are met, to the satisfaction and approval of the Manager, Transportation Planning:
 - a. The existing right-of-way at the subject property is approximately 23 metres along Limeridge Road East. Approximately 3 metres are to be dedicated to the right-of-way on Limeridge Road East, as per the Council Approved Urban Official Plan: Schedule C-2 - Future Right-of-Way Dedications. Limeridge Road East is to be 26.213 metres from 150 metres west of Upper Wentworth to 150 metres east of Upper Gage.
 - b. Limeridge Road East is a Collector Road and Kingfisher Drive is a Local Road. The Applicant is to dedicate a 9.14 metres x 9.14 metres Daylighting Triangle to the right-of-way, as per the Council Approved Urban Official Plan: Chapter C - City Wide Systems and Designations 4.5 Road Network Functional Classification; Daylighting Triangles 4.5.7.

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

See attached for additional comments.



Stephen Clark, 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 – Stephen.Clark@hamilton.ca

Hamilton

Forestry & Horticulture Section
Environmental Services Division
Public Works Department

Date: June 14, 2022

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

From: Stephen Clark, Urban Forest Health Technician

Subject: 389-427 Limeridge Road East, Hamilton
File: HM/B-22:46

PREAMBLE

In response to your Agenda listing for the upcoming meeting on Thursday, June 23, 2022, 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. 4219

Regards,

A handwritten signature in blue ink that reads "Stephen Clark". The signature is written in a cursive, flowing style.

Stephen Clark
Urban Forest Health Technician

From: [George khoshaba](#)
To: [Committee of adjustment](#); Sara.andres@gmail.com
Subject: Anshe Sholom Cemetery Land Severance
Date: June 20, 2022 6:40:33 AM

Hello.

I'm writing this email to discuss the proposed land severance of the Anshe Sholom Cemetery. As a member of the local area, I'm participating in the petition against this construction.

The reason being is that it will cause: more congested traffic, less street parking and will overall become more dangerous for the pedestrians in the area. Many of these pedestrians, including myself enjoy walking in family groups, with animals or alone frequently throughout the spring/summer/fall seasons.

I represent my family of 5 who are all in agreeance of this matter. If you have any questions please don't hesitate to respond to this email. Thank you.

Georges.

From: [Craig & Carolyn Hagopian](#)
To: [Committee of adjustment](#)
Subject: Anshe-Sholom Cemetery Severing of Land
Date: June 18, 2022 1:20:12 PM

Please accept this email submission against the current plan for the severing of Anshe-Sholom Cemetery. The current plan for 20 semi-detached homes with direct driveway access to Kingfisher and Limeridge roads would be very similar to the development that has already taken place in this neighbourhood at the corner of Bobolink and Hummingbird. That development on the old Cardinal Heights school property has resulted in homes with short driveways and insufficient laneways within that survey to keep cars from having to park on the area streets, causing congestion on roadways (in particular Bobolink).

Since semi detached homes are just as expensive as single family dwellings, why not encourage single family style homes which are more in line with the homes in the immediate area? Also, why not have an internal laneway off Limeridge Road to keep multiple driveway entrances/exits and parked cars away from Kingfisher and Limeridge Road itself.

This neighbourhood is more styled to homes well spaced out and geared to single family homes; we do not need more semi-detached high density housing, which this neighbourhood was never initially designed for.

The Bobolink and Hummingbird development has already created more traffic flow in our neighbourhood; please better design this next planned development so we can avoid such issues as before. It's my sincere hope the City will not allow the developer to build a similar development as has been done on the old Cardinal Heights school grounds but will have an opportunity to learn from that previous plan and adjust to eliminate the issues that previous development has casued.

Yours sincerely,

Craig Hagopian
12 Pinewarbler Court
Hamilton, Ontario

From: [Cindy](#)
To: [Committee of adjustment](#)
Subject: Application HM/B-22:46 - HM/B-22:56
Date: Tuesday, June 21, 2022 10:45:52 AM

I am opposed to the severance of these lots for future development of 20 new semi detached homes.

There is already high demand for street parking in the area due to the town house complexes along Limeridge. I walk regularly around the Bobolink semi detached development that was built on the old Cardinal Heights land and see a number of cars parked on the street in this area that were never there in the past. We also have a vehicle speed issue on Kingfisher and Limeridge. Increasing vehicles to this area will increase traffic to the area.

In a time of global warming, we should be looking to keep green spaces within the city. This development will require clearing of the trees from this corner.

If approval is given, please consider approving single detached homes to match the homes on Kingfisher, Curlew and Titmouse. Kingfisher has no parking signage that needs to remain in place. The road is an emergency vehicle access road that needs to be kept clear of vehicles.

Thank you for your consideration.

Cindy Aquilina
2 Sparrow Court
Hamilton, Ontario
L9A4Z7
905-575-0723

From: [Lee Miller](#)
To: [Committee of adjustment](#)
Cc: [Pauls, Esther](#); [Karen Peters](#); sara.andres@gmail.com
Subject: Application No. HM/B-22:46, Consent/Land Severance
Date: June 19, 2022 10:07:32 AM

Good day

My wife and I would like to voice our strong opposition to the application noted in the subject line for severance of property on the Anshe-Sholom Cemetary.

Our concerns are numerous; the loss of ever dwindling green space in the city; added congestion on an already dangerous road (Kingfisher is used as a speedway by many motorists between Thresher Dr. And Limeridge Rd. E), which in turn creates a dangerous situation even more than already exists to pedestrians and children who use this area.

While there is a recognized need for affordable housing in the city, doing so to the detriment and safety of not only local residents but to the city as a whole with the further loss of greenspace is not constructive planning in our opinion. If more roads could be built to accomadate the increased density and associated traffic, that would be ideal. Unfortunately this is also most likely not a viable option. This application proposal, along with the proposed future development at Limeridge Mall will only further add congestion to an already heavily congested area.

Ideally, no development would be the preferred option for all these reasons mentioned. The roads infrastructure is already pushed to its limits and the further addition of housing to our greenspaces only adds to this congestion and I am sure was not considered when first designing the current roads system back in its infancy. And not to be forgotten, this increased congestion also leads to increased idiling and increased contribution to CO2 emissions.

A second option would be to consider a development size of half the current proposal. That option would at least limit the contribution to the current traffic congestion and safety concerns and would better match the current area density and community as a whole.

Thank you for your consideration.

Lee Miller
Karen Peters

29 Sparrow Crt

June 20, 2022

Re: **Severance Application No: HM/B-22:46, HM/B-22:47, HM/B-22:48, HM/B-22:49, HM/B-22:50, HM/B-22:51, HM/B-22:52, HM/B-22:53, HM/B-22:54, HM/B-22:55, HM/B-22:56**

To the Committee of Adjustment, Hamilton, Ontario, Canada,

As a resident of Kingfisher Drive, I am concerned about the application to sever the property at Anshe-Sholom cemetery into 20 lots for the future development of semi-detached housing. I fully understand the need for new housing in Hamilton and I am not opposed to houses being built on the former cemetery lands, but I have concerns regarding the current severance application for 20 lots and would ask the Committee of Adjustments to deny the current severance applications HM/B-22:47 to HM/B-22:56 based on the following concerns until a new plan is made that addresses the concerns of I and others below.

I have spoken to many residents within Bruleville, of whom I have over 100 signatures from on the petition that follows, and we share many of the same concerns. These include the density of housing being proposed for the designated location, the current lot design, and the overall impact on the neighbourhood.

The Neighbourhood Institutional Zone I1 states any development may occur on existing property in a form consistent with the surrounding area. The surrounding area that these houses will be directly across from and adjacent to on Kingfisher Dr and Titmouse Crt, are single detached homes, with frontage that is 10-15m in size, much larger than the proposed 7m frontage for the new lots.

Furthermore, based on the severance package, it indicates that all future houses would exit directly onto Kingfisher Dr. and Limeridge Rd E. This is problematic – Kingfisher is already a busy thoroughfare, with speeding issues that have yet to be addressed, with lots of pedestrian activity, many of which are kids. Kingfisher Drive serves as the main access point to the Lincoln Alexander Parkway and retail businesses, for everyone living in this neighbourhood. While building semi-detached houses would only add 10 buildings, this adds in 20 driveways. Given that each home will likely have 2 cars, there will be 40 more cars on the road, entering and exiting driveways. This will increase traffic and poses an increased danger to pedestrians. Hamilton has already had too many accidents and fatalities this year from vehicle-pedestrian accidents.

Additionally, semi-detached houses usually have parking for 1 vehicle in their driveway, and if they have a garage, regardless of size, most people use it for storage. For homes with 2 cars, this leaves 1 car requiring on-street parking. This parking situation is already evident with the semi-detached homes built nearby on Bobolink, by Pauline Johnson elementary school, which have similar frontage as that proposed in the current severance package. These homes require on-street parking. If the same situation arises with the proposed severance, there is no on-street parking on Kingfisher Dr., and given the current traffic, it would not be advisable to add street parking to Kingfisher Dr. Additionally, on-street parking on Limeridge Rd. E is already full (**Figure 1**). Cars from the new homes will overflow onto Titmouse and Curlew, which will become 1-way streets, making it difficult to exit one's driveway. This problem is on-going at the new development of semi-detached homes on Bobolink (**Figure 2,3**) and we've seen this recently on Curlew when two homes had parties one Saturday and the road was full on

both sides, making driving difficult. With the current proposal of 20 semi-detached homes, this will add up to 20 more vehicles looking for on-street parking on regular days, and more when guests are invited, in the surrounding neighbourhood. People may resort to use of the cemetery or nearby legion for parking.

Finally, the loss of greenspace is a concern. The current trees provide a natural sound barrier from Upper Wentworth and the Lincoln Alexander Parkway. The trees also have several positive environmental impacts, like keeping temperatures cooler and removing air pollution. Furthermore, the COVID-19 pandemic has shown us how in-demand and important open green spaces are for mental health and community. Finally, this green space is home to birds, such as the white-breasted nuthatch and red-bellied woodpecker that are on the list of birds protected under the Canadian Migratory Birds Convention Act, 1994.

As those in the neighbourhood who are opposed to the current severance plans, what we are asking for are two main things, which are also outlined on the attached petition. First, that the severance is divided into fewer lots, larger in size with respect to frontage to match the existing neighbourhood lots that would be across and adjacent to the new build, which range from 10m-15m. Ideally, single-detached homes would be built here. The cost of a small, single detached home, depending on size, is anywhere between \$500,000-\$1,000,000 in Hamilton, including in our area of "Birdland" based on a quick search of houses currently for sale. This is less than or equivalent to the cost of the brand-new semi-detached houses that were recently sold nearby on Bobolink, which went for over a million dollars. If the goal of Hamilton is to add affordable housing, a small single-detached home could be a better option than a semi-detached; it would match the surrounding area better, reduce the impact on traffic and pose less of a danger to pedestrian safety, as there would be fewer driveways.

The second change we are requesting is if every driveway from the proposed development did not exit onto Kingfisher Drive and Limeridge Rd. E. Instead, create a small road within the new housing development that would exit onto Limeridge Rd E, with the backyards of the new housing facing Kingfisher Dr. and Limeridge Rd E. This would control the flow of traffic, much like is done for the surrounding condos, apartments and townhouses that exit on to Limeridge Rd. E. Also, it would lessen the danger to pedestrians, since pedestrians wouldn't be walking in front of 20 entry/exit points for the new houses, only 1 new street. Best of all, a new street would provide on-street parking for additional vehicles owned by the new homeowners or of people coming to visit them.

Based on these concerns and suggestions, we would like the current severance plans to be re-worked, taking these points into consideration. A traffic study would also be beneficial to make sure the new plans will keep the neighbourhood safe for both vehicles, pedestrians, and cyclists, before the severance plans are approved.

Thank-you for your time,



Sara Andres
14 Kingfisher Drive



Figure 1. Parking on Limeridge Rd E, between Kingfisher Dr and Upper Wellington. Wednesday, June 15, 2022. 7:21 a.m.



Figure 2. Parking on Bobolink Rd (semi-detached houses on right), between Hummingbird Ln and Starling Dr. Wednesday, June 15, 2022. 8:54 p.m.



Figure 3. Parking on Bobolink Rd, past Starling Dr., across from Bruleville Park. Wednesday, June 15, 2022. 8:49 p.m.

From: [Melanie Waters](#)
To: [Committee of adjustment](#)
Cc: [Pauls, Esther](#)
Subject: File: HM/B-22:53
Date: Monday, June 20, 2022 7:40:24 PM

To members of the Committee of Adjustment,

Please consider this letter a strong rebuke of the land severance application for HM/B-22:46 - HM/B-22:56. While it would be a shame to lose what little green space is left in this established neighbourhood and vicinity, the negative impacts on the environment and quality of life for residents must be considered.

More paved areas are sure to increase the risk of flooding in an already sensitive area that is subject to so-called one-in-a-100-years storms annually.

More traffic along Kingfisher (an area that already should be considered for traffic calming measures, such as speed bumps to reduce the speed of commuters and motorcycles rocketing down the street) would dramatically impact the safety this area, particularly during school hours.

Street parking, which is already problematic along Titmouse Court and neighbouring Heron Place, would be overwhelmed should they develop the 20 new units that have been proposed. (A quick stroll through the expansive development just completed on Bobolink Road, shows vehicles overflowing existing driveways and putting pressure on nearby residential streets.) What has been proposed is not in keeping with the existing streetscape in the Greeningdon subdivision.

Living here for the past five years, we have enjoyed an abundance of birds visiting our feeder and birdbaths. More development would significantly impact the natural environs. That wooded area is now home to coyotes, rabbits, skunks, possums and countless squirrels. Some of the birds we have observed, such as the white breasted nuthatch and the red bellied wood pecker are on the list of Birds Protected in Canada Under the Migratory Birds Convention Act, 1994. We wouldn't want them to lose their existing habitats for a high-density subdivision that is out of character with the surrounding homes. An environmental audit should be required before any severance is considered.

We ask that you factor in the above and consider the opinions of the people that currently live in this neighbourhood before making any changes.

Sincerely,

Melanie and Christopher Waters
38 Titmouse Crt. Hamilton
905-923-5596

From: [Chuck Dimitry](#)
To: [Committee of adjustment](#)
Subject: File # HM/B-22:55 --> Input from Charles Dimitry for Committee of Adjustment meeting on Thursday, June 23, 2022
Date: Tuesday, June 21, 2022 9:38:38 AM

Dear Committee of Adjustment members and City Clerk,

I am sending this message as additional citizen input to the upcoming Committee of Adjustment meeting on Thursday, June 23 for file HM/B-22:55 regarding the severances of 20 narrow lots on the Temple Anshe Sholom cemetery property at the corner of Limeridge Road East and Kingfisher Drive in Ward 7 on Hamilton Mountain.

I am a nearby homeowner at 47 Pinewarbler Drive and long time resident of the area. My family has owned this house since it was built in 1984 and my immediate family have lived on Hamilton Mountain since the 1950s.

While I understand and agree that Hamilton needs more housing stock, I am concerned by the severance proposal before you today (Thursday) – specifically, the scale and massing of the properties proposed for this area, traffic and parking considerations, and the removal of so many mature trees and greenspace.

I understand there has been a petition submitted from many of the immediate neighbours in the area (including my signature). I agree with this petition completely but also wanted to add my personal input to the Committee of Adjustment.

Kingfisher Drive has significant traffic and speeding problems already and is used as a pass through for large vehicle traffic, especially buses and large trucks, between Upper Wentworth and Limeridge and then on to Upper Wellington. The city has added an all way stop sign and regular police traffic car stationary patrols further north on Kingfisher Drive to provide traffic calming but anyone who lives along or near the southern portion of Kingfisher is familiar with the speeds cars travel along this stretch of roadway and the hard braking as well as acceleration that takes place.

Adding twenty new units with 16 driveways right on Kingsfisher Drive and four more on Limeridge Road East in such a condensed area does not fit the scale of other dwellings in the area and will add significant further vehicle congestion and pedestrian traffic to the area. Parking will be greatly impacted with inevitable overflow onto the nearby streets beyond Kingfisher Drive including Curlew Avenue, Titmouse Court, and Limeridge Road East itself for events at residences such as birthday parties or other family gatherings.

Kingfisher Drive is a grand boulevard, rare on Hamilton Mountain with large grassy median spacing between the roadway and sidewalk on the west side and a narrower grassy area on the east side where the proposed properties would be located. This combined with the mature trees and greenspace right on Kingfisher Drive makes this area popular with walkers, hikers, people with dogs, etc as they walk to and from McQuestion Park or the nearby Limeridge Mall or so many other local attractions. These proposed severances will inevitably make this area less pedestrian friendly and

increase the danger to local pedestrians.

Furthermore, it would be a shame to lose so many mature trees and greenspace in this area. As many of the Committee of Adjustment members know, this neighbourhood is formerly called Bruleville but both long time and more recent residents here never call it that - it is more informally known as "Birdland" because of the naming of so many of the streets by the developers and city over the years and the amount of greenspace that provides a great environment for wildlife and yes, birds. The destruction of so many trees and areas conducive to birds and trees does not improve the neighbourhood in any manner.

I am asking the committee to consider several other alternatives beyond the one presented by Urban Solutions. These could include :

1. Maintain a greenspace buffer of 50 to 100 feet on Kingfisher Drive and build the dwellings slightly further east in the unused cemetery property with an access roadway north off of Limeridge Road East to alleviate traffic and parking concerns as well as keeping as many mature trees as possible.
2. Build elsewhere on the unused portions of the Temple Anshe Sholom cemetery property including on the east side where the former caretaker's residence and property is located next to Legion #163 and closer to Upper Wentworth. The former caretaker's residence is in significant decay / nearly derelict with various non-resident people often living in this house.
3. Reduce the number of severances to half or less and match the other house property widths on Kingfisher Drive, especially those directly across from the Temple Anshe Sholom cemetery.

Thank you for your consideration and I hope you will agree with so many of the long time residents in this area that this proposal is not appropriate for our neighbourhood. Relatively minor changes or simple alternatives would go a long way to maintaining the character of Birdland on the central mountain.

Kindest regards,

Charles Dimitry
47 Pinewarbler Drive
Hamilton
289-808-4278

From: [D. GRIFFIN](#)
To: [Committee of adjustment](#)
Subject: Congestion in Bruleville
Date: June 18, 2022 10:32:54 AM

Hello.

I am writing today to vehemently oppose the proposed new housing at King Fsher and Limeridge Rd. If you proceed I will hold you personally responsible for the dangers to pedestrians this will cause. Recently new housing built in the Cardinal heights area has caused several accidents to pedestrians and no one seems to care. There is no where for traffic to go but to congest the local streets! Have a heart move out past Rymal Rd, where there is plenty of space. We are so choked by pollution and noise from The Lincoln expressway ENOUGH is ENOUGH for this area, find new spaces, as I said I will hold the city responsible for any damages this may cause. Demolish schools (Cardinal Heights) and congest with additional housing should have been a lesson. Not to mention all the trees that will be removed from the area, again the citizens in the area will hold the City of Hamilton responsible for damages.

Kind regards,
Darlene Griffin

From: [Bill Phillips](#)
To: [Committee of adjustment](#)
Subject: Our concerns re housing development on cemetery lands Lime Ridge Road and Kingfisher Drive
Date: June 13, 2022 10:14:15 AM

----- Forwarded Message -----

From: Bill Phillips <billphillips888@yahoo.ca>
To: Bill Phillips <billphillips888@yahoo.ca>
Cc: rabbigreen@adasisrael.ca <rabbigreen@adasisrael.ca>; Kevin Werner <kwerner@hamiltonnews.com>; mayor@hamilton.ca <mayor@hamilton.ca>; Esther Pauls <esther.pauls@hamilton.ca>
Sent: Monday, June 13, 2022, 10:08:27 a.m. EDT
Subject: Our concerns re housing development on cemetery lands Lime Ridge Road and Kingfisher Drive

An interesting read for all.

Within this cemetery, near a flower bed and benches, reportedly exists a burial site from the War of 1812. The property became a Jewish cemetery ca. 1834, although the earliest monument dates back only as far as 1855. The cemetery is connected to the Anshe Sholom Temple founded during the 1850s. The cemetery remains in use.

Good Day

Application No HW/B-22:46 Subject Property 389-427 Limeridge Road E Hamilton

It is very disappointing to have to find out about the future housing development on cemetery lands adjoining our property at 18 Titmouse Court from the lawn care contractor for the cemetery, Why????

We have a number of concerns and we list here in no particular order in the form of questions we would like answers to, as we and most of the residents on Titmouse do strongly object to this development.

Rabbi Green we copy you on this e-mail because you did not take the time to reply to my earlier [approximately a year ago] e-mail on this topic. Why???

Ms. Pauls I copy you on this e-mail because you promised me a year ago that you did not know anything about this development, but when you did I would be the first one you would advise.

Well so much for that promise as you were on Titmouse Court a few days back when I was not home speaking with my neighbors who I found out from them about your comments. Why did you not call beforehand???

While I am on broken promises where are Speed Damping Controls you promised for Kingfisher Drive???

Concerns & questions & comments.

- We purchased our home approximately 20 years ago.
-
- The property met three of our most important needs **One** it was on a dead end street, **Two** it had a private back yard **Three** back of house faced south,
-
- Is the City of Hamilton so bankrupt for land to build on, that we now have to tear up Cemeteries ?? Shame on you!!!!
-
- The taxpayers of Hamilton planted trees along our streets which we support 100% with a number going in this year in front of this property on Lime Ridge Rd now you are going to cut down at least 600 trees many being mature trees. Please consider this before you cut them down for another unwanted town house complex. Also may I suggest you read an article in the Hamilton Spec Date 09/02/2021 by Rob Keen of the benefits of trees in the urban community and if this project is allowed to go ahead you are you going to cut down all these mature trees. Why???
-
- Do we need more traffic on The Speed Way Better Known as Kingfisher Dr Mrs. Pauls where is the our "your speed is" sign as promised by Aug 2021????
- .
- Has anyone determine if there are protected species in this grove????
-
- This area is known as Birdland with many of the streets named after birds. Most birds will disappear when trees are cut down. We have a bird count of at least 30 different ones from the smallest Humming Birds & Wrens to the Ring Tail Hawks that sit on our fence watching for their next dinner Where will they go????
-
- Speaking of dinner for the hawks we have many squirrels, chipmunks, rabbits and yes the pesky, skunks & racoons where will they go????
-
- The Link & Kingfisher road can be annoying at times but we have learned to live with it as it was there when we bought our house [but this low cost housing development was not] as was this green belt area that acts as a noise barrier but cut down the trees and that will be gone.???
-
- By developing this green space what next the small park further up Lime Ridge Road, The city would have a hard time denying tearing down all those trees if you give the go ahead with a Cemetery development ?????
-
- Where do I get a copy of site plan???
-
- Future development how long into the future ??
-
- How many units and where is the site plan?? How many units fronting Limeridge ??? How Many fronting Kingfisher???

-
- Will this development be a CO OP complex similar to the mess you have further up Limeridge Rd???
-
- We have had many police & bylaw actions over the years on Titmouse Court, Some from the street others brought into by outsiders maybe it would be a good idea to check those numbers before you add the potential of more, Most of us on Titmouse Court are proud of our street and some have taken action to keep in that way by contacting Police and Bylaw Office. Your findings please???? Find another street on the Mountain with 20 houses that the properties show like Titmouse Court.!!! You wont.
-
- It is my understand the Cemetery did not pay taxes on this piece of green space. if so will the city go after these years of taxes????
-
- With the anticipated reduced value of our property will we be compensated when we sell and will we see a reduction in our taxes??? If the Cemetery can hold onto a piece of green space for years with no taxes paid and now develop it for profit what about the shared properties????
-
- It is our understanding that this property was given to them by a family with the understanding it will remain a cemetery??? Please advise of your findings???
-
- Should the city push this development through one major request of ours will be a 30 ft buffer [no mature trees to be cut down] on Cemetery property between our back property lines. We request this because we have learned that the 30 ft buffer was put in place at the property line at the east end of Titmouse when the plaza on Upper Wentworth was approved. Neighbors objected to plaza and agreed after buffer was agreed to???
-
- Our investigation indicates that any housing development on cemetery lands would be in violation to the Cemetery Act Do you agree???
-
- What was the vote count for this development how many YES?? how many NO??
-
- And how many of the total count actually know where this property is and how many have actually walked this property????
-
- The reason I ask this question is???. How can anyone vote for something they know nothing about.

In closing I have spoken with a number of our neighbors about this issue and to a person no one wants it, and wanted to place their name here but I asked to let my name stand alone for now to see where this goes.

Also on Titmouse Court we are a diverse bunch from 86 and 93 year old living alone, young couples with young children retired couples all owning their homes with the

exceptions of two homes that are rentals with absentee owners
And for the most part fit into the street but I must say one property is not kept up to the standard of the rest of the street and one who like to grow and cultivate pot in his back yard that the stink has caused issues with neighbors.

Twenty years ago when we bought 18 Titmouse there was drug issues on the street but twenty years ago I could and did deal with that but now at 81 I am not sure I am prepared to take on a lengthy fight to get the city to see the errors of their way with this awful development on a historic Hamilton Cemetery but I will if needed.

We invite anyone from the city and you too Mr. Mayor or the media to come for coffee in our back garden and see for your self that you are going to ruin.

With Respect

William S Phillips Bill
18 Titmouse Court
Hamilton Ontario L9A 4Y9 Roll number 070833091120000
905 318 6739

Stay Tuned we are ready

From: [Betty Steinbock](#)
To: [Committee of adjustment](#)
Cc: [Pauls, Esther](#)
Subject: Proposed Building Plan at Kingfisher Dr. at Limeridge Rd. E
Date: June 19, 2022 12:04:12 PM

To Hamilton Committee of Adjustments;

We are writing to express our concern for a proposed housing block near our home in Ward 7. It was totally by chance and only via resident networking that we even became aware of such a high density building proposal. That in and of itself is concerning, showing lack of transparency and valuing community input.

On Kingfisher Dr. we have had ongoing traffic and pedestrian safety concerns that have NOT been addressed despite numerous mentions to our city councillor. Hamilton Police Services were made aware of these concerns, to no avail, as well. Over the past four years, traffic speed, street racing, regular disobedience of stop signs and pedestrian safety have been serious concerns amongst our residents. Putting the proposed number of housing units in that small, corner property will not improve these concerns but will most definitely increase both vehicle traffic and pedestrian foot traffic. It will likely result in increased street parking on our surrounding streets, which we also do not want.

This notice is to make you aware that we do not want this proposed development for the many reasons aforementioned.

Thankyou,

Betty & Hugo Steinbock
30 Peacock Pl..

Sent from my iPad

From: [Bill Phillips](#)
To: [Committee of adjustment](#)
Subject: Our concerns re housing development on cemetery lands Lime Ridge Road and Kingfisher Drive
Date: June 13, 2022 10:14:15 AM

----- Forwarded Message -----

From: Bill Phillips <billphillips888@yahoo.ca>
To: Bill Phillips <billphillips888@yahoo.ca>
Cc: rabbigreen@adasisrael.ca <rabbigreen@adasisrael.ca>; Kevin Werner <kwerner@hamiltonnews.com>; mayor@hamilton.ca <mayor@hamilton.ca>; Esther Pauls <esther.pauls@hamilton.ca>
Sent: Monday, June 13, 2022, 10:08:27 a.m. EDT
Subject: Our concerns re housing development on cemetery lands Lime Ridge Road and Kingfisher Drive

An interesting read for all.

Within this cemetery, near a flower bed and benches, reportedly exists a burial site from the War of 1812. The property became a Jewish cemetery ca. 1834, although the earliest monument dates back only as far as 1855. The cemetery is connected to the Anshe Sholom Temple founded during the 1850s. The cemetery remains in use.

Good Day

Application No HW/B-22:46 Subject Property 389-427 Limeridge Road E Hamilton

It is very disappointing to have to find out about the future housing development on cemetery lands adjoining our property at 18 Titmouse Court from the lawn care contractor for the cemetery, Why????

We have a number of concerns and we list here in no particular order in the form of questions we would like answers to, as we and most of the residents on Titmouse do strongly object to this development.

Rabbi Green we copy you on this e-mail because you did not take the time to reply to my earlier [approximately a year ago] e-mail on this topic. Why???

Ms. Pauls I copy you on this e-mail because you promised me a year ago that you did not know anything about this development, but when you did I would be the first one you would advise.

Well so much for that promise as you were on Titmouse Court a few days back when I was not home speaking with my neighbors who I found out from them about your comments. Why did you not call beforehand???

While I am on broken promises where are Speed Damping Controls you promised for Kingfisher Drive???

Concerns & questions & comments.

- We purchased our home approximately 20 years ago.
-
- The property met three of our most important needs **One** it was on a dead end street, **Two** it had a private back yard **Three** back of house faced south,
-
- Is the City of Hamilton so bankrupt for land to build on, that we now have to tear up Cemeteries ?? Shame on you!!!!
-
- The taxpayers of Hamilton planted trees along our streets which we support 100% with a number going in this year in front of this property on Lime Ridge Rd now you are going to cut down at least 600 trees many being mature trees. Please consider this before you cut them down for another unwanted town house complex. Also may I suggest you read an article in the Hamilton Spec Date 09/02/2021 by Rob Keen of the benefits of trees in the urban community and if this project is allowed to go ahead you are you going to cut down all these mature trees. Why???
-
- Do we need more traffic on The Speed Way Better Known as Kingfisher Dr Mrs. Pauls where is the our "your speed is" sign as promised by Aug 2021????
- .
- Has anyone determine if there are protected species in this grove????
-
- This area is known as Birdland with many of the streets named after birds. Most birds will disappear when trees are cut down. We have a bird count of at least 30 different ones from the smallest Humming Birds & Wrens to the Ring Tail Hawks that sit on our fence watching for their next dinner Where will they go????
-
- Speaking of dinner for the hawks we have many squirrels, chipmunks, rabbits and yes the pesky, skunks & racoons where will they go????
-
- The Link & Kingfisher road can be annoying at times but we have learned to live with it as it was there when we bought our house [but this low cost housing development was not] as was this green belt area that acts as a noise barrier but cut down the trees and that will be gone.???
-
- By developing this green space what next the small park further up Lime Ridge Road, The city would have a hard time denying tearing down all those trees if you give the go ahead with a Cemetery development ?????
-
- Where do I get a copy of site plan???
-
- Future development how long into the future ??
-
- How many units and where is the site plan?? How many units fronting Limeridge ??? How Many fronting Kingfisher???

-
- Will this development be a CO OP complex similar to the mess you have further up Limeridge Rd???
-
- We have had many police & bylaw actions over the years on Titmouse Court, Some from the street others brought into by outsiders maybe it would be a good idea to check those numbers before you add the potential of more, Most of us on Titmouse Court are proud of our street and some have taken action to keep in that way by contacting Police and Bylaw Office. Your findings please???? Find another street on the Mountain with 20 houses that the properties show like Titmouse Court.!!! You wont.
-
- It is my understand the Cemetery did not pay taxes on this piece of green space. if so will the city go after these years of taxes????
-
- With the anticipated reduced value of our property will we be compensated when we sell and will we see a reduction in our taxes??? If the Cemetery can hold onto a piece of green space for years with no taxes paid and now develop it for profit what about the shared properties????
-
- It is our understanding that this property was given to them by a family with the understanding it will remain a cemetery??? Please advise of your findings???
-
- Should the city push this development through one major request of ours will be a 30 ft buffer [no mature trees to be cut down] on Cemetery property between our back property lines. We request this because we have learned that the 30 ft buffer was put in place at the property line at the east end of Titmouse when the plaza on Upper Wentworth was approved. Neighbors objected to plaza and agreed after buffer was agreed to???
-
- Our investigation indicates that any housing development on cemetery lands would be in violation to the Cemetery Act Do you agree???
-
- What was the vote count for this development how many YES?? how many NO??
-
- And how many of the total count actually know where this property is and how many have actually walked this property????
-
- The reason I ask this question is???? How can anyone vote for something they know nothing about.

In closing I have spoken with a number of our neighbors about this issue and to a person no one wants it, and wanted to place their name here but I asked to let my name stand alone for now to see where this goes.

Also on Titmouse Court we are a diverse bunch from 86 and 93 year old living alone, young couples with young children retired couples all owning their homes with the

exceptions of two homes that are rentals with absentee owners
And for the most part fit into the street but I must say one property is not kept up to the standard of the rest of the street and one who like to grow and cultivate pot in his back yard that the stink has caused issues with neighbors.

Twenty years ago when we bought 18 Titmouse there was drug issues on the street but twenty years ago I could and did deal with that but now at 81 I am not sure I am prepared to take on a lengthy fight to get the city to see the errors of their way with this awful development on a historic Hamilton Cemetery but I will if needed.

We invite anyone from the city and you too Mr. Mayor or the media to come for coffee in our back garden and see for your self that you are going to ruin.

With Respect

William S Phillips Bill
18 Titmouse Court
Hamilton Ontario L9A 4Y9 Roll number 070833091120000
905 318 6739

Stay Tuned we are ready

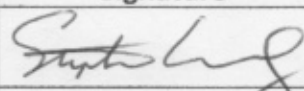
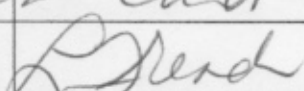
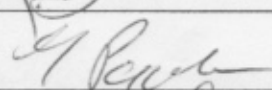
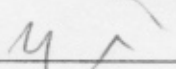
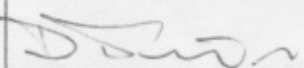


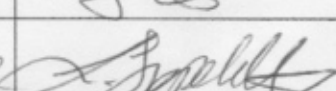

PETITION TO LIMIT LOT SEVERANCES AT ANSHE-SHOLOM CEMETERY

Re: Applications HM/B-22:46 and HM/B-22:47 – HM/B 22:56, June 2022

Petition to the Hamilton Committee of Adjustments

We, the undersigned, are opposed to the severances along Kingfisher Dr and Limeridge Rd E, for 20 new lots for future development of high-density semi-detached housing. We are concerned about the increased demand for on-street parking, increased traffic, the danger to pedestrians along Kingfisher Dr, and the loss of green space. We recognize that Hamilton needs more urban housing, and therefore, we ask the Committee of Adjustments to not approve the proposed land severances, unless:

1. Fewer lots are created, with larger frontage per lot to match the existing single detached lots on Kingfisher Dr, Limeridge Rd E, Titmouse Ct and Curlew Ave (approx. 10m-15m).
2. Lots along Kingfisher Dr would not exit onto Kingfisher Dr, but rather onto a new road built off of Limeridge Rd E to improve traffic flow, maintain pedestrian safety, and increase on-street parking.

Name	Address (Hamilton, ON)	Signature	Phone or E-mail
Stephen Luneberg	362 East 37 th St.		
MARIA DI PIETRO	34 SPARROW CRT.	Maria DiPietro	
DONNA AIRO	15 CURLEW AVE	D. Airo	
Lorraine French	97 Skylark Dr		
Tyler Parker	26-280 Limeridge East		
Charlotte M Lenn	8 Skylark Dr.	CLM Lenn	
Valerie Vandervelde	300 Limeridge Rd E	V. Vandervelde	
Michelle Vandervelde	300 Limeridge Rd E.		
	3 Peacock Place		
GARY Shaw.	7 Peacock Place		gshaw.ontario@gmail.com
Laura Ippolito	7 Peacock Place		
Hugo Steinbock	30 Peacock Pl.	H. Steinbock	(905) 388-3336
Beth Steinbock	30 Peacock Pl	B. Steinbock	(905) 388-3336
Maria R.	26 Peacock Pl.	Maria R. Anonah	
Franceschin	10 Peacock Pl	Franceschin	(905) 389-2035
Kha (edal) Hally	107 Pinnerland Dr		417 721 2961

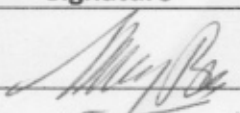
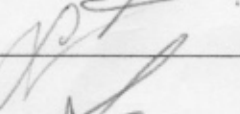
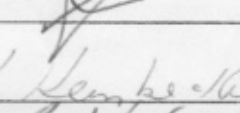
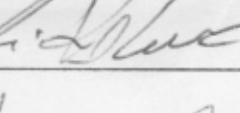
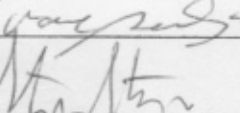
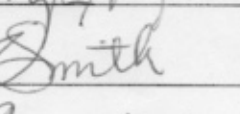
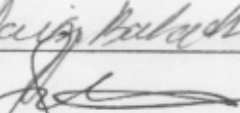
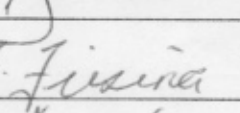
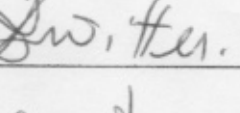
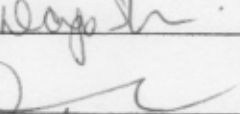
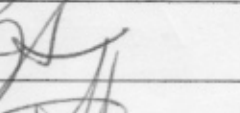
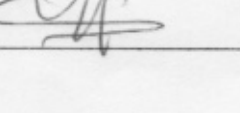
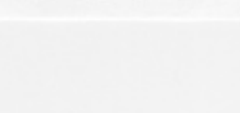
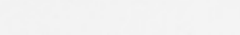
PETITION TO LIMIT LOT SEVERANCES AT ANSHE-SHOLOM CEMETERY

Re: Applications HM/B-22:46 and HM/B-22:47 – HM/B 22:56, June 2022

Petition to the Hamilton Committee of Adjustments

We, the undersigned, are opposed to the severances along Kingfisher Dr and Limeridge Rd E, for 20 new lots for future development of high-density semi-detached housing. We are concerned about the increased demand for on-street parking, increased traffic, the danger to pedestrians along Kingfisher Dr, and the loss of green space. We recognize that Hamilton needs more urban housing, and therefore, we ask the Committee of Adjustments to not approve the proposed land severances, unless:

1. Fewer lots are created, with larger frontage per lot to match the existing single detached lots on Kingfisher Dr, Limeridge Rd E, Titmouse Ct and Curlew Ave (approx. 10m-15m).
2. Lots along Kingfisher Dr would not exit onto Kingfisher Dr, but rather onto a new road built off of Limeridge Rd E to improve traffic flow, maintain pedestrian safety, and increase on-street parking.

Name	Address (Hamilton, ON)	Signature	Phone or E-mail
ANANDA BOSE	60 Pinewarbler		647-668-0711
Lucrecia Nuly	17-3811 (Limeridge Dr.)		289-240-2111
Alfanca Loe	384 Limeridge West		647-448-4420
K. Lembeck	15 Donegal Pl		(905) 979-4181
K. KRZAVAC	23 DONEGAL		905 383 4025
IVONNE MANSOUR	18 Donegal place		(905) 388-5629
Steve Stanga	14 Donegal Pl		416-605-9104
Tracee Smith	670 upper Sherman		289-933-8968
Daisy Balash	50 Pincher St.		905-385-0848
Jasmine Balb	68 Pinewarbler		
Frank Frisina	79 Pinewarbler		905-902-4589
E. WITTER	83 PINEWARBLER		905 575 3098
J. DAGOSTINO	2 THRESHER DR.		905-575-0790
J. WEATHERILL	10 THRESHER DR		905-572-0754
J. Still	14 Thresher Dr		905 318-8926
W. SAVOCCIA	26 THRESHER DR		905 389-8685

PETITION TO LIMIT LOT SEVERANCES AT ANSHE-SHOLOM CEMETERY

Re: Applications HM/B-22:46 and HM/B-22:47 – HM/B 22:56, June 2022

Petition to the Hamilton Committee of Adjustments

We, the undersigned, are opposed to the severances along Kingfisher Dr and Limeridge Rd E, for 20 new lots for future development of high-density semi-detached housing. We are concerned about the increased demand for on-street parking, increased traffic, the danger to pedestrians along Kingfisher Dr, and the loss of green space.

We recognize that Hamilton needs more urban housing, and therefore, we ask the Committee of Adjustments to not approve the proposed land severances, unless:

1. Fewer lots are created, with larger frontage per lot to match the existing single detached lots on Kingfisher Dr, Limeridge Rd E, Titmouse Ct and Curlew Ave (approx. 10m-15m).
2. Lots along Kingfisher Dr would not exit onto Kingfisher Dr, but rather onto a new road built off of Limeridge Rd E to improve traffic flow, maintain pedestrian safety, and increase on-street parking.

Name	Address (Hamilton, ON)	Signature	Phone or E-mail
Sara Andres	14 Kingfisher Dr	Sara Andres	905-818-6487
DON HAMEL	10 KINGFISHER DR	Don Hamel	905-988-0542
Ron & Jean	18 KINGFISHER DR	Ron & Jean	905-385-7888
Christina Jany	26 Curlew Ave	Christina Jany	905-988-3598
Ron Nelson	18 Curlew Ave	Ron Nelson	905-341-9335
Paul Chiril	15 CURLEW AVE	Paul Chiril	905-576-4037
George	23 Curlew Ave	George	905-906-7741
Jat Harding	27 Curlew Ave	Jat Harding	905-512-6923
Quinn	27 Curlew Ave	Quinn	905-512-6923
Carson Harding	27 curlew ave.	Carson Harding	905-516-5003
Pat J. Consoli	34 Curlew Ave	Pat J. Consoli	905-745-2095
Guido Consoli	"	Guido Consoli	905-383-5589
Jim Consoli	"	Jim Consoli	"
MARION PLUMMER	6 Titmouse Ct	M. Plummer	905-387-1000
Cindy Jewell	10 Titmouse Ct	Cindy Jewell	905-912-4626
Sherri Mattys	14 Titmouse Ct	S. Mattys	905-387-4849

PETITION TO LIMIT LOT SEVERANCES AT ANSHE-SHOLOM CEMETERY

Re: Applications HM/B-22:46 and HM/B-22:47 – HM/B 22:56, June 2022

Petition to the Hamilton Committee of Adjustments

We, the undersigned, are opposed to the severances along Kingfisher Dr and Limeridge Rd E, for 20 new lots for future development of high-density semi-detached housing. We are concerned about the increased demand for on-street parking, increased traffic, the danger to pedestrians along Kingfisher Dr, and the loss of green space. We recognize that Hamilton needs more urban housing, and therefore, we ask the Committee of Adjustments to not approve the proposed land severances, unless:

1. Fewer lots are created, with larger frontage per lot to match the existing single detached lots on Kingfisher Dr, Limeridge Rd E, Titmouse Ct and Curlew Ave (approx. 10m-15m).
2. Lots along Kingfisher Dr would not exit onto Kingfisher Dr, but rather onto a new road built off of Limeridge Rd E to improve traffic flow, maintain pedestrian safety, and increase on-street parking.

Name	Address (Hamilton, ON)	Signature	Phone or E-mail
<i>[Signature]</i>	18 TITMOUSE	<i>[Signature]</i>	905-318-6739
CHRISTOPHER WATSON	38 TITMOUSE	<i>[Signature]</i>	VINE@VEXXINE.COM
Ralph & Marjorie Denardis	42 Titmouse Pk	<i>[Signature]</i>	mrdenardis@rogers.com
Doreen & Ron Southall	39 TITMOUSE CRT	<i>[Signature]</i>	905-921-7919
Patricia Hall	27 Titmouse Crt.	<i>[Signature]</i>	patriciaehall@hotmail.com
<i>[Signature]</i>	7 Titmouse Crt	<i>[Signature]</i>	905-881-4592
JOSEF DO DIAS	376 Limeridge Rd	<i>[Signature]</i>	289-6808035
CARLA DIAS	376 Limeridge Rd	<i>[Signature]</i>	289-7999322
Beneel Jaba	370 Limeridge Rd	<i>[Signature]</i>	905-719-7134
DELORIS MOORE	354 LIMERIDGE RD	<i>[Signature]</i>	—
Terry Dawood	347 Limeridge Rd	<i>[Signature]</i>	—
Marco Dirocco	355 Limeridge	<i>[Signature]</i>	—
Charles Dimitry	47 Pine Warbler Drive	<i>[Signature]</i>	289-808-4278
Brigitte Traier	1 SPARROW CT.	<i>[Signature]</i>	905-575-8254
Steve Lounsbury	37 Sparrow Ct	<i>[Signature]</i>	—
Kathy Cornell	30 Sparrow Ct	<i>[Signature]</i>	905-921-5998

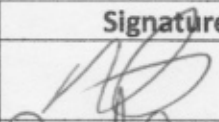
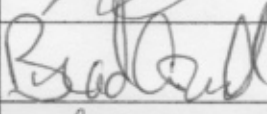
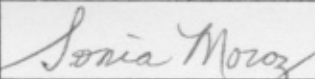
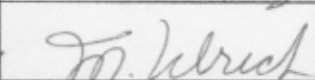
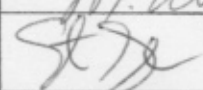
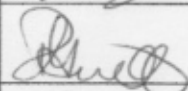
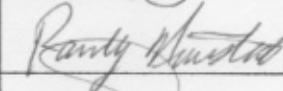
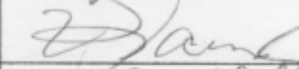
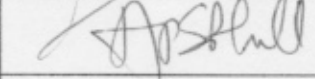
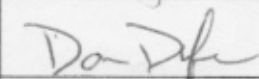
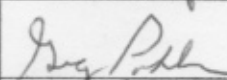
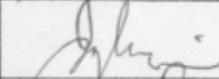
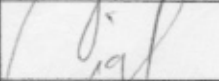
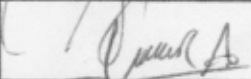
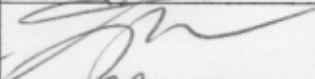
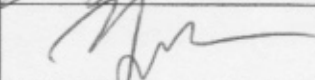
PETITION TO LIMIT LOT SEVERANCES AT ANSHE-SHOLOM CEMETERY

Re: Applications HM/B-22:46 and HM/B-22:47 – HM/B 22:56, June 2022

Petition to the Hamilton Committee of Adjustments

We, the undersigned, are opposed to the severances along Kingfisher Dr and Limeridge Rd E, for 20 new lots for future development of high-density semi-detached housing. We are concerned about the increased demand for on-street parking, increased traffic, the danger to pedestrians along Kingfisher Dr, and the loss of green space. We recognize that Hamilton needs more urban housing, and therefore, we ask the Committee of Adjustments to not approve the proposed land severances, unless:

1. Fewer lots are created, with larger frontage per lot to match the existing single detached lots on Kingfisher Dr, Limeridge Rd E, Titmouse Ct and Curlew Ave (approx. 10m-15m).
2. Lots along Kingfisher Dr would not exit onto Kingfisher Dr, but rather onto a new road built off of Limeridge Rd E to improve traffic flow, maintain pedestrian safety, and increase on-street parking.

Name	Address (Hamilton, ON)	Signature	Phone or E-mail
Matthew Morden	38 Sparrow Court		905-745-7643
Brad Cornell	30 Sparrow Ct		289-456-9114
SONIA MOROZ	26 SPARROW CRT		905-574-2982
MARY ULRICH	22 SPARROW CRT		905-388-2539
STEVE GANDER	18 SPARROW CRT		905-979-1661
Phanh Guilbeault	14 Sparrow Ct		905-541-7147
Randy Newstead	10 Sparrow Ct		905-745-4923
Samuel	6 Sparrow		905-575-7721
Aman Phull	8 HERON PLACE		416-268-0617
Dan Dife	4 HERON PLACE		519-564-9862
Dany Poth	16 Heron Place		905-388-9544
Zeny Lindo	20 Heron Place		905-961-9079
Ian Lindo	20 Heron Place		905-921-2672
Lorge Restrepo	36 Heron PL		905-870-5256
Terrence Stokes	20 Pinewarbler Ct		905-575-3204
Miguel Lima	19 " "		905-770-3873


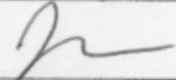
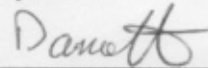
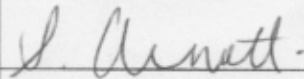

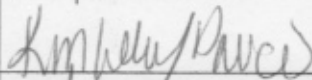
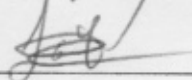
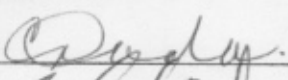
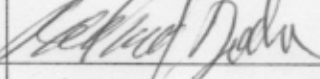
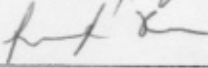
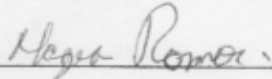

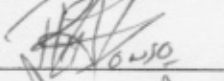
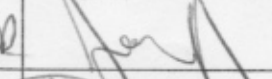
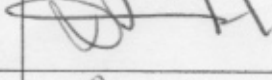
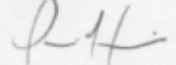
PETITION TO LIMIT LOT SEVERANCES AT ANSHE-SHOLOM CEMETERY

Re: Applications HM/B-22:46 and HM/B-22:47 – HM/B 22:56, June 2022

Petition to the Hamilton Committee of Adjustments

We, the undersigned, are opposed to the severances along Kingfisher Dr and Limeridge Rd E, for 20 new lots for future development of high-density semi-detached housing. We are concerned about the increased demand for on-street parking, increased traffic, the danger to pedestrians along Kingfisher Dr, and the loss of green space. We recognize that Hamilton needs more urban housing, and therefore, we ask the Committee of Adjustments to not approve the proposed land severances, unless:

1. Fewer lots are created, with larger frontage per lot to match the existing single detached lots on Kingfisher Dr, Limeridge Rd E, Titmouse Ct and Curlew Ave (approx. 10m-15m).
2. Lots along Kingfisher Dr would not exit onto Kingfisher Dr, but rather onto a new road built off of Limeridge Rd E to improve traffic flow, maintain pedestrian safety, and increase on-street parking.

Name	Address (Hamilton, ON)	Signature	Phone or E-mail
CRAIG HAGOPIAN	12 PINEWARBLER CT		(905) 383-6313
Jason Kouacs	23 Pinewarbler Court		905 515 3623
DAVE ARNOTT	27 Pine warbler DR		905 979 3961
SANDRA ARNOTT	" " "		" " "
Tom Patti	35 Pinewarbler Dr		905 574 3975
Kimberley Pawa	39 Pinewarbler Dr		514-221-4008
Lanice Ramos	55 Pinewarbler Dr.		289-244-2066
Carol Dada	59 Pinewarbler		905-389-0443
Michael Dada	59 Pinewarbler		905-389-0443
Jennifer Ramos	55 Pinewarbler Drive		289-237-9484
Maria Ramos	55 Pinewarbler Drive		905-518-8696
Nguyen Tran	55 Pinewarbler Dr		289-508-8673
Milton Ramos	55 Pinewarbler Dr		905-518-8728
Jim GRIFFIN	36 PINEWARDLER DR		905 388 4901
DARLENE GRIFFIN	36 PINEWARBLER		905 388 4901
Travis Hines	52 P: newarbler Dr.		416-877-1414

Petition to the Hamilton Committee of Adjustments

1. Fewer lots are created, with larger frontage per lot to match the existing single detached lots on Kingfisher Dr, Limeridge Rd E, Titmouse Ct and Curlew Ave (approx. 10m-15m).
2. Lots along Kingfisher Dr would not exit onto Kingfisher Dr, but rather onto a new road built off of Limeridge Rd E to improve traffic flow, maintain pedestrian safety, and increase on-street parking.

[illegible]

Petition to the Hamilton Committee of Adjustments

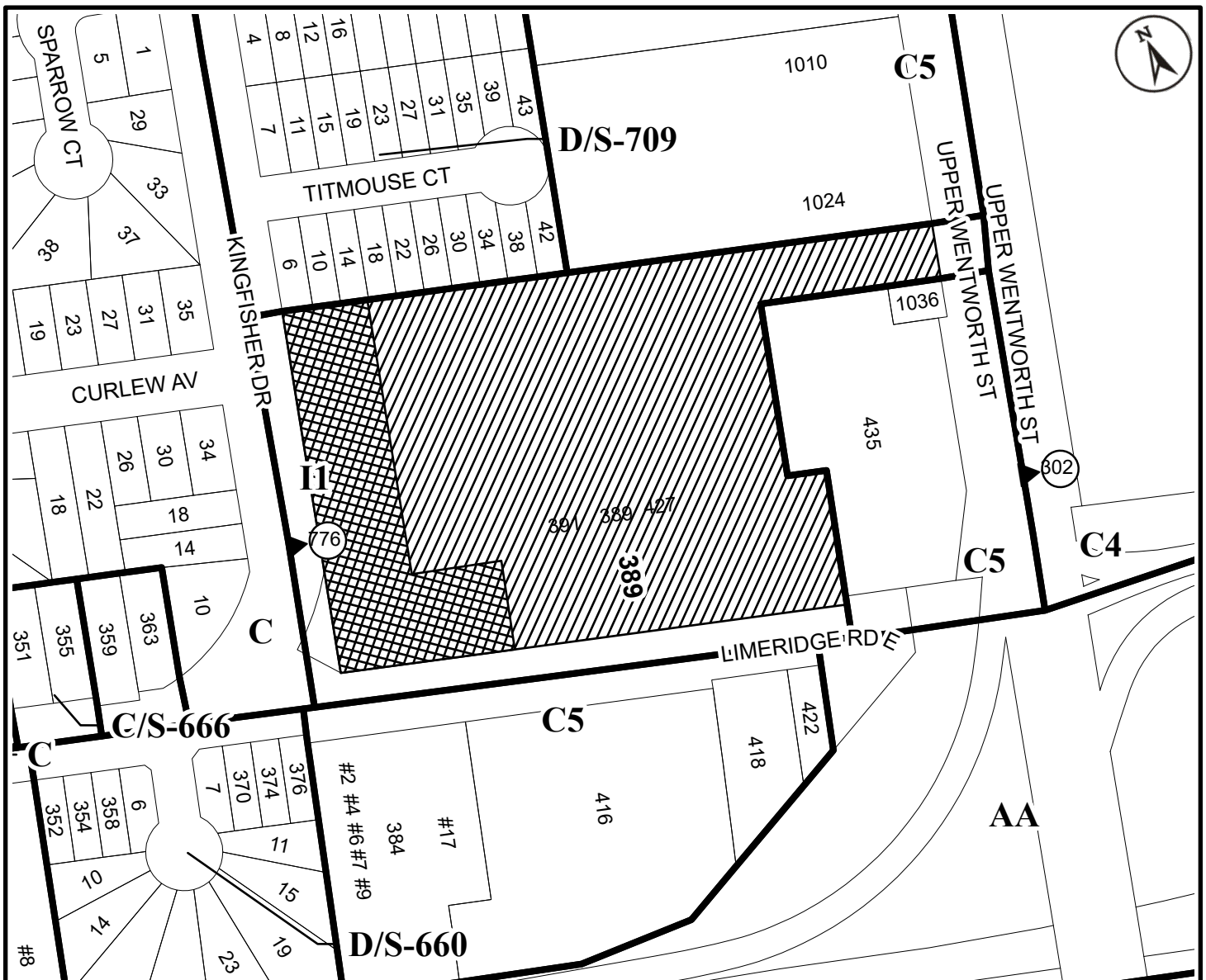
1. Fewer lots are created, with larger frontage per lot to match the existing single detached lots on Kingfisher Dr, Limeridge Rd E, Titmouse Ct and Curlew Ave (approx. 10m-15m).
2. Lots along Kingfisher Dr would not exit onto Kingfisher Dr, but rather onto a new road built off of Limeridge Rd E to improve traffic flow, maintain pedestrian safety, and increase on-street parking.

[illegible]

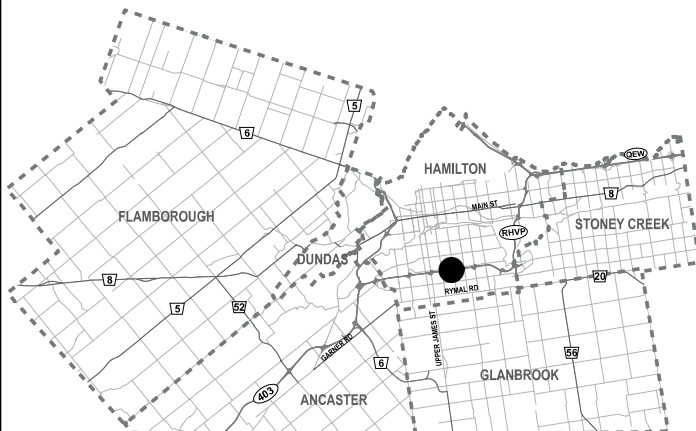
Petition to the Hamilton Committee of Adjustments

1. Fewer lots are created, with larger frontage per lot to match the existing single detached lots on Kingfisher Dr, Limeridge Rd E, Titmouse Ct and Curlew Ave (approx. 10m-15m).
2. Lots along Kingfisher Dr would not exit onto Kingfisher Dr, but rather onto a new road built off of Limeridge Rd E to improve traffic flow, maintain pedestrian safety, and increase on-street parking.

[illegible]



● Site Location



City of Hamilton

Committee of Adjustment

Subject Property

389 Limeridge Road East, Hamilton (Ward 7)



Lands to be Retained



Lands to be Severed

File Name/Number:

HM/B-22:46

Date:

June 17, 2022

Technician:

AL

Map Not To Scale

Appendix "A"



Hamilton

PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT

HM/B-22:47 – 389 Limeridge Rd. E., Hamilton

Consolidation Report

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

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

1. The owner shall submit a deposited Ontario Land Surveyor's Reference Plan to the Committee of Adjustment Office, unless exempted by the Land Registrar. The reference plan must be submitted in pdf and also submitted in CAD format, drawn at true scale and location and tied to the City corporate coordinate system. (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 owner submits a Servicing Brief prepared by a qualified professional to demonstrate that the existing storm and sanitary sewers on Kingfisher Drive have adequate capacity to service the proposed intensification or to identify the required upgrades that shall be completed by the proponent at 100% their costs and to the satisfaction of the City's Manager of Development Approvals.
5. That the Owner enter into with the City of Hamilton and register on title of the lands, a combined **Consent Agreement for Grading and External Works**, having an administrative fee of \$5,285.00 (2022 fee) to address issues including but not limited to: reconstruction of the municipal streets adjacent to the subject lands and upgrades on the existing storm and sanitary sewers, ECA approval, if required, 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, , stormwater management infrastructure and securities for items that may include: lot grading 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, all to the satisfaction of the City's Manager of Development Approvals.
6. If a Condition for a road widening and/or daylight triangle dedication is required, the

owner/applicant shall submit survey evidence that the lands to be retained, including the lot width, 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 (Planning Division – Zoning Examination Section)

7. The owner shall apply for and receive any required building permits in the normal manner to the satisfaction of the Planning and Economic Development Department (Planning Division – Zoning Examination Section).
8. That Severance application HM/B-22:46 be final and registered, to the satisfaction of the Manager of Development Planning.
9. The existing right-of-way at the subject property is approximately 23 metres along Limeridge Road East. Approximately 3 metres are to be dedicated to the right-of-way on Limeridge Road East, as per the Council Approved Urban Official Plan: Schedule C-2 - Future Right-of-Way Dedications. Limeridge Road East is to be 26.213 metres from 150 metres west of Upper Wentworth to 150 metres east of Upper Gage. (To the satisfaction and approval of the Manager, Transportation Planning)
10. Limeridge Road East is a Collector Road and Kingfisher Drive is a Local Road. The Applicant is to dedicate a 9.14 metres x 9.14 metres Daylighting Triangle to the right-of-way, as per the Council Approved Urban Official Plan: Chapter C - City Wide Systems and Designations 4.5 Road Network Functional Classification; Daylighting Triangles 4.5.7. (To the satisfaction and approval of the Manager, Transportation Planning)
11. A survey conducted by an Ontario Land Surveyor and at the Applicant's expense will determine the ultimate dimensions for the right-of-way widenings. (To the satisfaction and approval of the Manager, Transportation 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 (Anshe Sholem Cemetery) will remain as **389, 391, & 427 Road (Hamilton)** and the lands to be conveyed (Lots 1 to 20) will be addressed according to the table below:

Lot # Address

1. 385 Limeridge Road East
2. 383 Limeridge Road East
3. 381 Limeridge Road East
4. 379 Limeridge Road East
5. 5 Kingfisher Drive
6. 7 Kingfisher Drive

7. 9 Kingfisher Drive
8. 11 Kingfisher Drive
9. 13 Kingfisher Drive
10. 15 Kingfisher Drive
11. 17 Kingfisher Drive
12. 19 Kingfisher Drive
13. 21 Kingfisher Drive
14. 23 Kingfisher Drive
15. 25 Kingfisher Drive
16. 27 Kingfisher Drive
17. 29 Kingfisher Drive
18. 31 Kingfisher Drive
19. 33 Kingfisher Drive
20. 35 Kingfisher Drive

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. (Forestry Section)

HM/B-22:47 – 389 Limeridge Rd. E., Hamilton

PLANNING and ECONOMIC DEVELOPMENT DEPARTMENT

Development Planning – Suburban

See HM.B.22:46.

Zoning:

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. Please visit <https://www.hamilton.ca/city-planning/official-plan-zoning-by-law/residentialzones> or email residentialzoning@hamilton.ca for further information.
3. The applicant has indicated a portion of Lot 5 to be dedicated as a daylight triangle. As such, the lot shall the owner/applicant shall submit survey evidence that the lands to be retained, including the lot width, 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.

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

1. If a Condition for a road widening and/or daylight triangle dedication is required, the owner/applicant shall submit survey evidence that the lands to be retained, including the lot width, 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 (Planning Division – Zoning Examination Section)
2. The owner shall apply for and receive any required building permits in the normal manner to the satisfaction of the Planning and Economic Development Department (Planning Division – Zoning Examination Section).

Development Engineering:

See HM.B.22.46

Growth Management:

See HM.B.22.46

Transportation Planning:

See HM.B.22.46

See attached for additional comments.



Stephen Clark, 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 – Stephen.Clark@hamilton.ca

Hamilton

Forestry & Horticulture Section
Environmental Services Division
Public Works Department

Date: June 14, 2022

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

From: Stephen Clark, Urban Forest Health Technician

Subject: 389-427 Limeridge Road East, Hamilton
File: HM/B-22:47

PREAMBLE

In response to your Agenda listing for the upcoming meeting on Thursday, June 23, 2022, 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

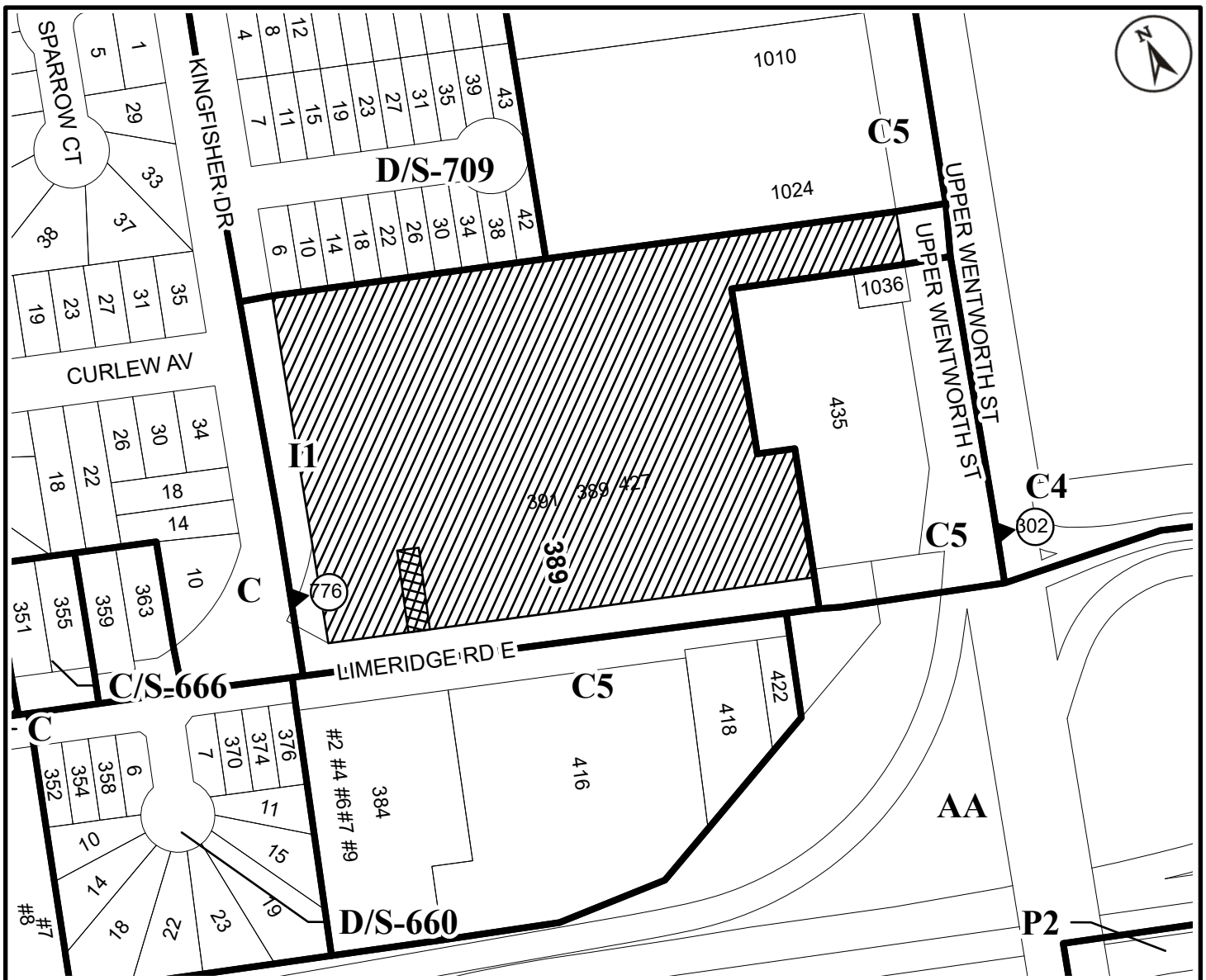
- There are Municipal Tree Assets on site, although no impacts are anticipated therefore no Tree Management Plan or Landscape plan is required.
- **Note: Prior to a person performing any work on, in or around a public tree an application for a permit shall be submitted to the Director.**

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. 4219

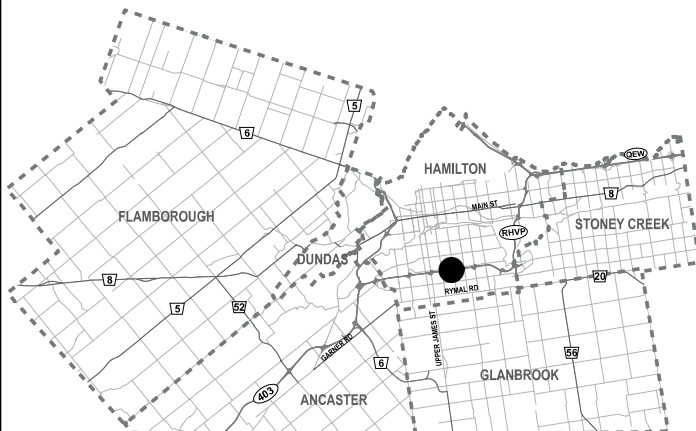
Regards,

A handwritten signature in blue ink that reads "Stephen Clark". The signature is written in a cursive style with a large initial 'S' and a stylized 'C'.

Stephen Clark
Urban Forest Health Technician



● Site Location



City of Hamilton

Committee of Adjustment

Subject Property

389 Limeridge Road East, Hamilton (Ward 7)



Lands to be Retained



Lands to be Severed

File Name/Number:

HM/B-22:47

Date:

June 17, 2022

Technician:

AL

Map Not To Scale

Appendix "A"



Hamilton

PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT

HM/B-22:48 – 389 Limeridge Rd. E., Hamilton

Consolidation Report

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

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

1. The owner shall submit a deposited Ontario Land Surveyor's Reference Plan to the Committee of Adjustment Office, unless exempted by the Land Registrar. The reference plan must be submitted in pdf and also submitted in CAD format, drawn at true scale and location and tied to the City corporate coordinate system. (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 owner submits a Servicing Brief prepared by a qualified professional to demonstrate that the existing storm and sanitary sewers on Kingfisher Drive have adequate capacity to service the proposed intensification or to identify the required upgrades that shall be completed by the proponent at 100% their costs and to the satisfaction of the City's Manager of Development Approvals.
5. That the Owner enter into with the City of Hamilton and register on title of the lands, a combined **Consent Agreement for Grading and External Works**, having an administrative fee of \$5,285.00 (2022 fee) to address issues including but not limited to: reconstruction of the municipal streets adjacent to the subject lands and upgrades on the existing storm and sanitary sewers, ECA approval, if required, 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, , stormwater management infrastructure and securities for items that may include: lot grading 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, all to the satisfaction of the City's Manager of Development Approvals.
6. If a Condition for a road widening and/or daylight triangle dedication is required, the

owner/applicant shall submit survey evidence that the lands to be retained, including the lot width, 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 (Planning Division – Zoning Examination Section)

7. The owner shall apply for and receive any required building permits in the normal manner to the satisfaction of the Planning and Economic Development Department (Planning Division – Zoning Examination Section).
8. That Severance application HM/B-22:46 be final and registered, to the satisfaction of the Manager of Development Planning.
9. A. The existing right-of-way at the subject property is approximately 23 metres along Limeridge Road East. Approximately 3 metres are to be dedicated to the right-of-way on Limeridge Road East, as per the Council Approved Urban Official Plan: Schedule C-2 - Future Right-of-Way Dedications. Limeridge Road East is to be 26.213 metres from 150 metres west of Upper Wentworth to 150 metres east of Upper Gage. (To the satisfaction and approval of the Manager, Transportation Planning)
- b. A survey conducted by an Ontario Land Surveyor and at the Applicant's expense will determine the ultimate dimensions for the right-of-way widenings. (To the satisfaction and approval of the Manager, Transportation 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 (Anshe Sholem Cemetery) will remain as **389, 391, & 427 Road (Hamilton)** and the lands to be conveyed (Lots 1 to 20) will be addressed according to the table below:

Lot # Address

1. 385 Limeridge Road East
2. 383 Limeridge Road East
3. 381 Limeridge Road East
4. 379 Limeridge Road East
5. 5 Kingfisher Drive
6. 7 Kingfisher Drive
7. 9 Kingfisher Drive
8. 11 Kingfisher Drive
9. 13 Kingfisher Drive
10. 15 Kingfisher Drive
11. 17 Kingfisher Drive
12. 19 Kingfisher Drive

- 13. 21 Kingfisher Drive
- 14. 23 Kingfisher Drive
- 15. 25 Kingfisher Drive
- 16. 27 Kingfisher Drive
- 17. 29 Kingfisher Drive
- 18. 31 Kingfisher Drive
- 19. 33 Kingfisher Drive
- 20. 35 Kingfisher Drive

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. (Forestry Section)

HM/B-22:48 – 389 Limeridge Rd. E., Hamilton

PLANNING and ECONOMIC DEVELOPMENT DEPARTMENT

Development Planning – Suburban

See HM.B.22.46

Zoning:

See HM.B.22.47

Development Engineering:

See HM.B.22.46

Growth Management:

See HM.B.22.46

Transportation Planning:

1. Transportation Planning has no objection to the land severance application, provided the following conditions are met, to the satisfaction and approval of the Manager, Transportation Planning:
 - a. The existing right-of-way at the subject property is approximately 23 metres along Limeridge Road East. Approximately 3 metres are to be dedicated to the right-of-way on Limeridge Road East, as per the Council Approved Urban Official Plan: Schedule C-2 - Future Right-of-Way Dedications. Limeridge Road East is to be 26.213 metres from 150 metres west of Upper Wentworth to 150 metres east of Upper Gage.
 - b. A survey conducted by an Ontario Land Surveyor and at the Applicant's expense will determine the ultimate dimensions for the right-of-way widenings.

See attached for additional comments.



Stephen Clark, 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 – Stephen.Clark@hamilton.ca

Hamilton

Forestry & Horticulture Section
Environmental Services Division
Public Works Department

Date: June 14, 2022

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

From: Stephen Clark, Urban Forest Health Technician

Subject: 389-427 Limeridge Road East, Hamilton
File: HM/B-22:48

PREAMBLE

In response to your Agenda listing for the upcoming meeting on Thursday, June 23, 2022, 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

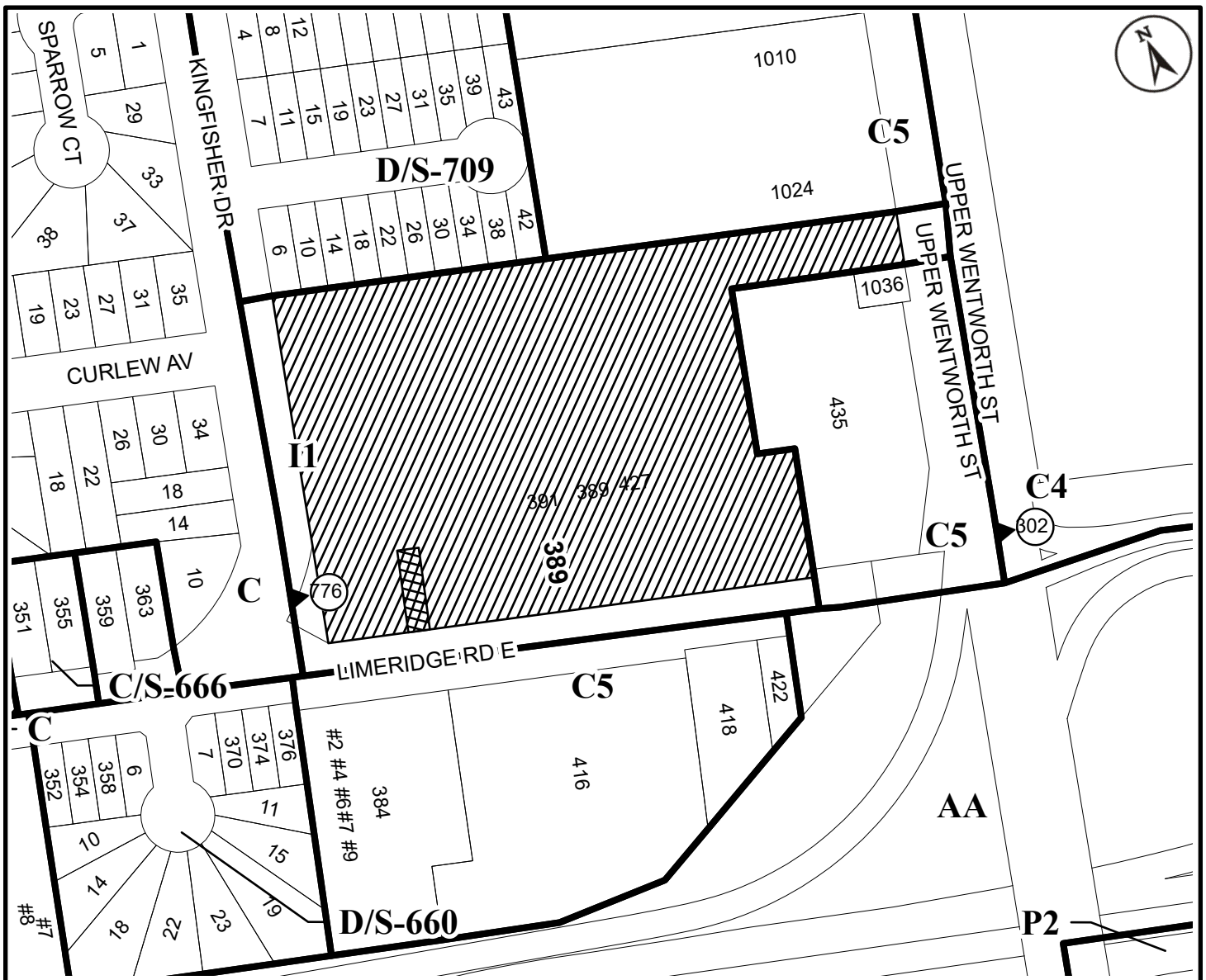
- There are Municipal Tree Assets on site, although no impacts are anticipated therefore no Tree Management Plan or Landscape plan is required.
- **Note: Prior to a person performing any work on, in or around a public tree an application for a permit shall be submitted to the Director.**

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. 4219

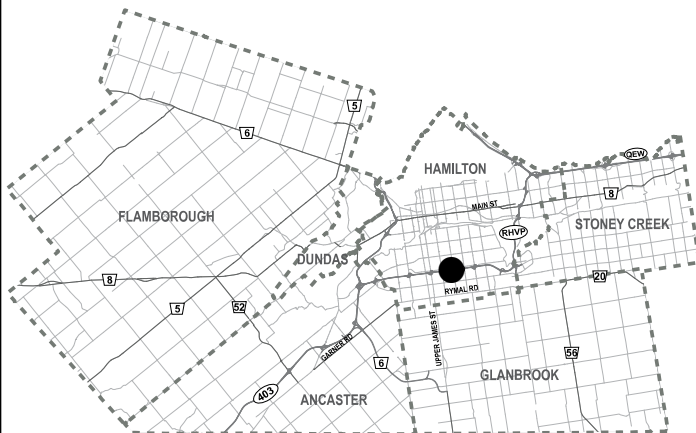
Regards,

A handwritten signature in blue ink that reads "Stephen Clark". The signature is written in a cursive style with a large initial 'S' and a stylized 'C'.

Stephen Clark
Urban Forest Health Technician



● Site Location



City of Hamilton

Committee of Adjustment

Subject Property

389 Limeridge Road East, Hamilton (Ward 7)



Lands to be Retained



Lands to be Severed

File Name/Number:

HM/B-22:47

Date:

June 17, 2022

Technician:

AL

Map Not To Scale

Appendix "A"



Hamilton

PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT

HM/B-22:49 – 389 Limeridge Rd. E., Hamilton

Consolidation Report

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

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

1. The owner shall submit a deposited Ontario Land Surveyor's Reference Plan to the Committee of Adjustment Office, unless exempted by the Land Registrar. The reference plan must be submitted in pdf and also submitted in CAD format, drawn at true scale and location and tied to the City corporate coordinate system. (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 owner submits a Servicing Brief prepared by a qualified professional to demonstrate that the existing storm and sanitary sewers on Kingfisher Drive have adequate capacity to service the proposed intensification or to identify the required upgrades that shall be completed by the proponent at 100% their costs and to the satisfaction of the City's Manager of Development Approvals.
5. That the Owner enter into with the City of Hamilton and register on title of the lands, a combined **Consent Agreement for Grading and External Works**, having an administrative fee of \$5,285.00 (2022 fee) to address issues including but not limited to: reconstruction of the municipal streets adjacent to the subject lands and upgrades on the existing storm and sanitary sewers, ECA approval, if required, 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, , stormwater management infrastructure and securities for items that may include: lot grading 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, all to the satisfaction of the City's Manager of Development Approvals.
6. If a Condition for a road widening and/or daylight triangle dedication is required, the

owner/applicant shall submit survey evidence that the lands to be retained, including the lot width, 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 (Planning Division – Zoning Examination Section)

7. The owner shall apply for and receive any required building permits in the normal manner to the satisfaction of the Planning and Economic Development Department (Planning Division – Zoning Examination Section).
8. That Severance application HM/B-22:46 be final and registered, to the satisfaction of the Manager of Development Planning.
9. The existing right-of-way at the subject property is approximately 23 metres along Limeridge Road East. Approximately 3 metres are to be dedicated to the right-of-way on Limeridge Road East, as per the Council Approved Urban Official Plan: Schedule C-2 - Future Right-of-Way Dedications. Limeridge Road East is to be 26.213 metres from 150 metres west of Upper Wentworth to 150 metres east of Upper Gage. (To the satisfaction and approval of the Manager, Transportation Planning)
10. Limeridge Road East is a Collector Road and Kingfisher Drive is a Local Road. The Applicant is to dedicate a 9.14 metres x 9.14 metres Daylighting Triangle to the right-of-way, as per the Council Approved Urban Official Plan: Chapter C - City Wide Systems and Designations 4.5 Road Network Functional Classification; Daylighting Triangles 4.5.7. (To the satisfaction and approval of the Manager, Transportation Planning)
11. A survey conducted by an Ontario Land Surveyor and at the Applicant's expense will determine the ultimate dimensions for the right-of-way widenings. (To the satisfaction and approval of the Manager, Transportation 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 (Anshe Sholem Cemetery) will remain as **389, 391, & 427 Road (Hamilton)** and the lands to be conveyed (Lots 1 to 20) will be addressed according to the table below:

Lot # Address

1. 385 Limeridge Road East
2. 383 Limeridge Road East
3. 381 Limeridge Road East
4. 379 Limeridge Road East
5. 5 Kingfisher Drive
6. 7 Kingfisher Drive

7. 9 Kingfisher Drive
8. 11 Kingfisher Drive
9. 13 Kingfisher Drive
10. 15 Kingfisher Drive
11. 17 Kingfisher Drive
12. 19 Kingfisher Drive
13. 21 Kingfisher Drive
14. 23 Kingfisher Drive
15. 25 Kingfisher Drive
16. 27 Kingfisher Drive
17. 29 Kingfisher Drive
18. 31 Kingfisher Drive
19. 33 Kingfisher Drive
20. 35 Kingfisher Drive

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. (Forestry Section)

HM/B-22:49 – 389 Limeridge Rd. E., Hamilton

PLANNING and ECONOMIC DEVELOPMENT DEPARTMENT

Development Planning – Suburban

See HM.B.22.46

Zoning:

See HM.B.22.47

Development Engineering:

See HM.B.22.46

Growth Management:

See HM.B.22.46

Transportation Planning:

See HM.B.22.46

See attached for additional comments.



Stephen Clark, 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 – Stephen.Clark@hamilton.ca

Hamilton

Forestry & Horticulture Section
Environmental Services Division
Public Works Department

Date: June 14, 2022

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

From: Stephen Clark, Urban Forest Health Technician

Subject: 389-427 Limeridge Road East, Hamilton
File: HM/B-22:49

PREAMBLE

In response to your Agenda listing for the upcoming meeting on Thursday, June 23, 2022, 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

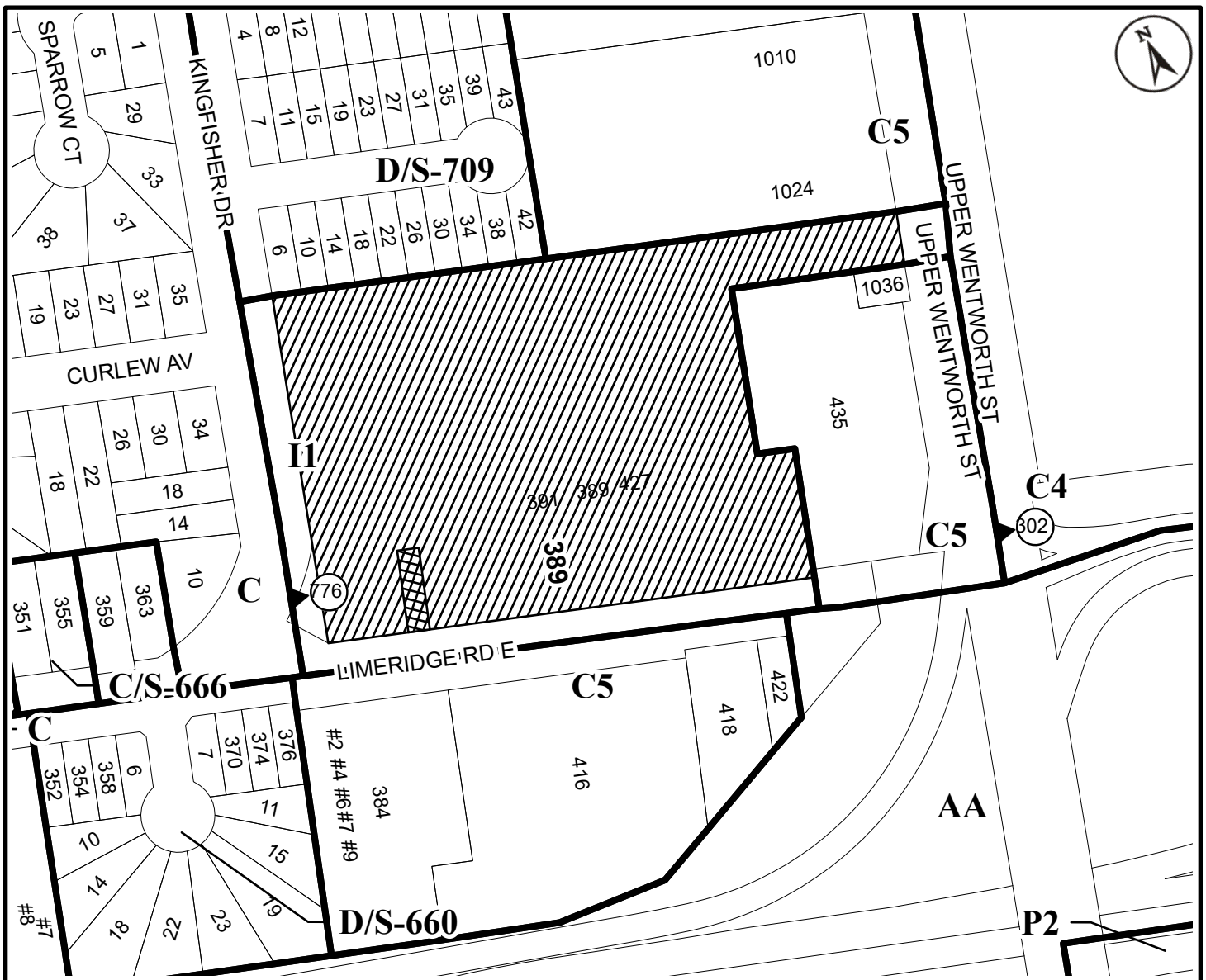
- There are Municipal Tree Assets on site, although no impacts are anticipated therefore no Tree Management Plan or Landscape plan is required.
- **Note: Prior to a person performing any work on, in or around a public tree an application for a permit shall be submitted to the Director.**

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. 4219

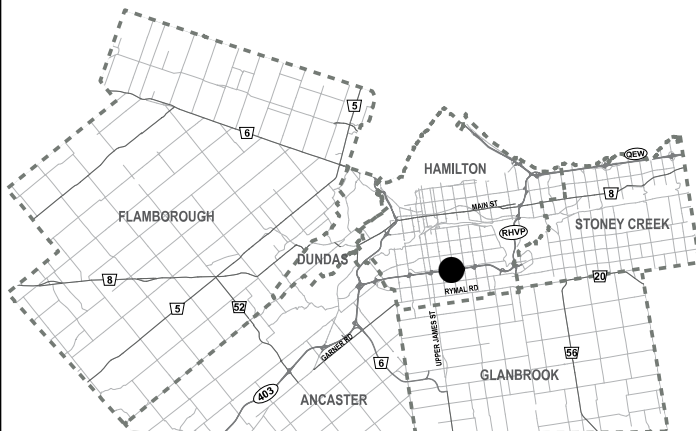
Regards,

A handwritten signature in blue ink that reads "Stephen Clark". The signature is written in a cursive, flowing style.

Stephen Clark
Urban Forest Health Technician



● Site Location



City of Hamilton

Committee of Adjustment

Subject Property

389 Limeridge Road East, Hamilton (Ward 7)



Lands to be Retained



Lands to be Severed

File Name/Number:

HM/B-22:47

Date:

June 17, 2022

Technician:

AL

Map Not To Scale

Appendix "A"



Hamilton

PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT

HM/B-22:50 – 389 Limeridge Rd. E., Hamilton

Consolidation Report

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

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

1. The owner shall submit a deposited Ontario Land Surveyor's Reference Plan to the Committee of Adjustment Office, unless exempted by the Land Registrar. The reference plan must be submitted in pdf and also submitted in CAD format, drawn at true scale and location and tied to the City corporate coordinate system. (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 owner submits a Servicing Brief prepared by a qualified professional to demonstrate that the existing storm and sanitary sewers on Kingfisher Drive have adequate capacity to service the proposed intensification or to identify the required upgrades that shall be completed by the proponent at 100% their costs and to the satisfaction of the City's Manager of Development Approvals.
5. That the Owner enter into with the City of Hamilton and register on title of the lands, a combined **Consent Agreement for Grading and External Works**, having an administrative fee of \$5,285.00 (2022 fee) to address issues including but not limited to: reconstruction of the municipal streets adjacent to the subject lands and upgrades on the existing storm and sanitary sewers, ECA approval, if required, 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, , stormwater management infrastructure and securities for items that may include: lot grading 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, all to the satisfaction of the City's Manager of Development Approvals.
6. If a Condition for a road widening and/or daylight triangle dedication is required, the

owner/applicant shall submit survey evidence that the lands to be retained, including the lot width, 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 (Planning Division – Zoning Examination Section)

7. The owner shall apply for and receive any required building permits in the normal manner to the satisfaction of the Planning and Economic Development Department (Planning Division – Zoning Examination Section).
8. That Severance application HM/B-22:46 be final and registered, to the satisfaction of the Manager of Development 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 (Anshe Sholem Cemetery) will remain as **389, 391, & 427 Road (Hamilton)** and the lands to be conveyed (Lots 1 to 20) will be addressed according to the table below:

Lot # Address

1. 385 Limeridge Road East
2. 383 Limeridge Road East
3. 381 Limeridge Road East
4. 379 Limeridge Road East
5. 5 Kingfisher Drive
6. 7 Kingfisher Drive
7. 9 Kingfisher Drive
8. 11 Kingfisher Drive
9. 13 Kingfisher Drive
10. 15 Kingfisher Drive
11. 17 Kingfisher Drive
12. 19 Kingfisher Drive
13. 21 Kingfisher Drive
14. 23 Kingfisher Drive
15. 25 Kingfisher Drive
16. 27 Kingfisher Drive
17. 29 Kingfisher Drive
18. 31 Kingfisher Drive
19. 33 Kingfisher Drive
20. 35 Kingfisher Drive

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. (Forestry Section)

HM/B-22:50 – 389 Limeridge Rd. E., Hamilton

PLANNING and ECONOMIC DEVELOPMENT DEPARTMENT

Development Planning – Suburban

See HM.B.22.46

Zoning:

See HM.B.22.47

Development Engineering:

See HM.B.22.46

Growth Management:

See HM.B.22.46

Transportation Planning:

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

See attached for additional comments.



Stephen Clark, 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 – Stephen.Clark@hamilton.ca

Hamilton

Forestry & Horticulture Section
Environmental Services Division
Public Works Department

Date: June 14, 2022

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

From: Stephen Clark, Urban Forest Health Technician

Subject: 389-427 Limeridge Road East, Hamilton
File: HM/B-22:50

PREAMBLE

In response to your Agenda listing for the upcoming meeting on Thursday, June 23, 2022, 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

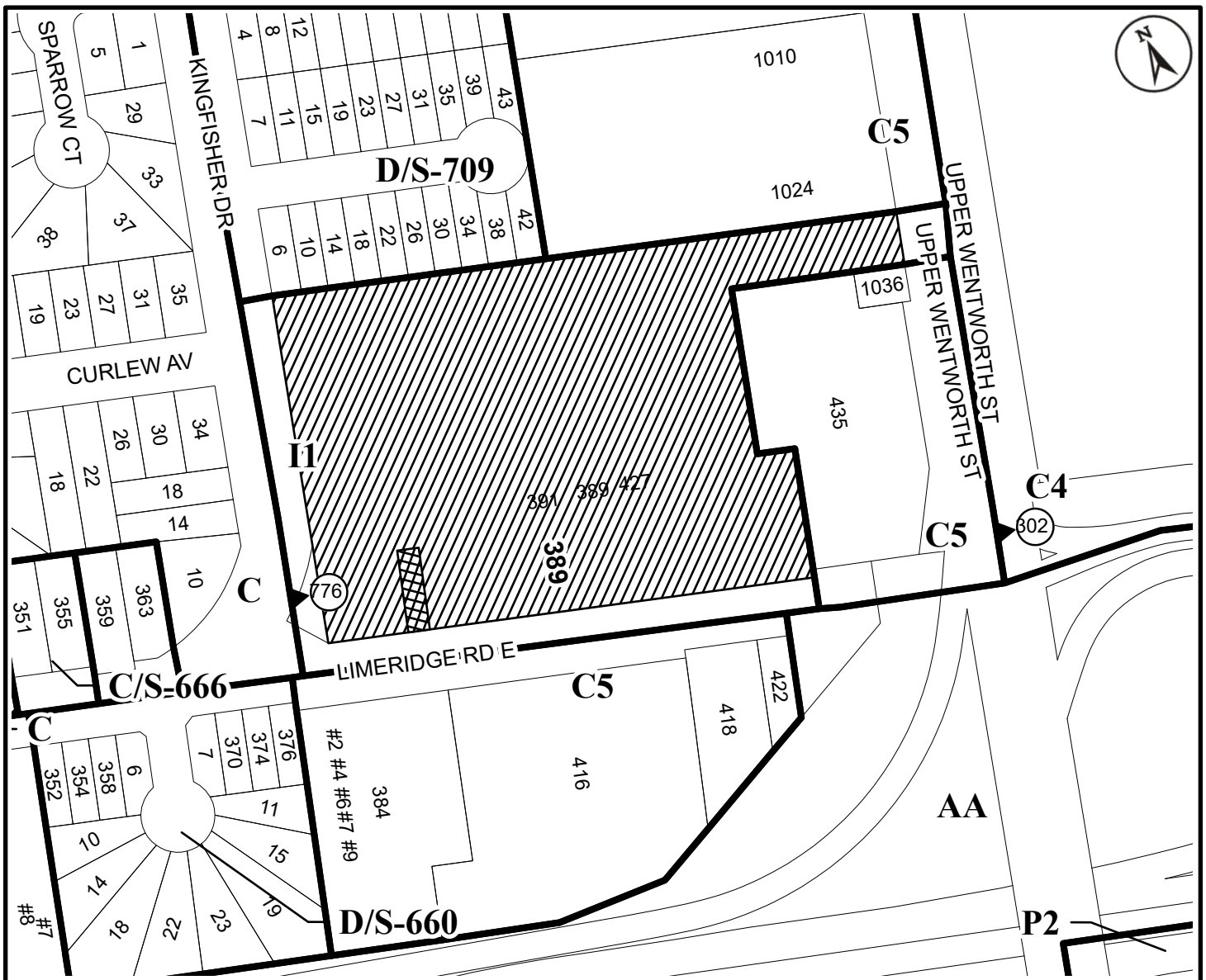
- There are Municipal Tree Assets on site, although no impacts are anticipated therefore no Tree Management Plan or Landscape plan is required.
- **Note: Prior to a person performing any work on, in or around a public tree an application for a permit shall be submitted to the Director.**

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. 4219

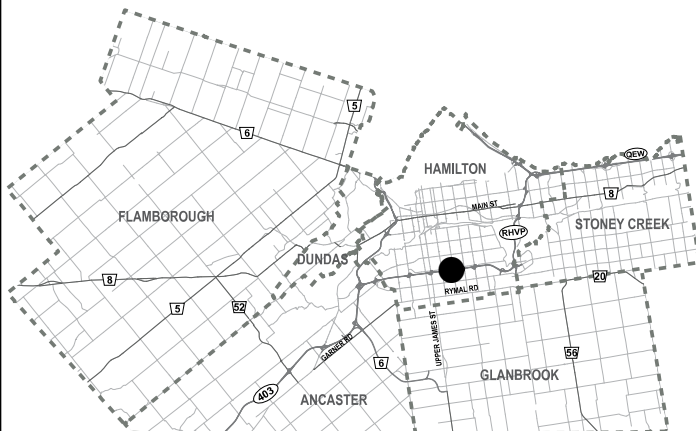
Regards,

A handwritten signature in blue ink that reads "Stephen Clark". The signature is written in a cursive, flowing style.

Stephen Clark
Urban Forest Health Technician



● Site Location



City of Hamilton

Committee of Adjustment

Subject Property

389 Limeridge Road East, Hamilton (Ward 7)



Lands to be Retained



Lands to be Severed

File Name/Number:

HM/B-22:47

Date:

June 17, 2022

Technician:

AL

Map Not To Scale

Appendix "A"



Hamilton

PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT

HM/B-22:51 – 389 Limeridge Rd. E., Hamilton

Consolidation Report

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

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

1. The owner shall submit a deposited Ontario Land Surveyor's Reference Plan to the Committee of Adjustment Office, unless exempted by the Land Registrar. The reference plan must be submitted in pdf and also submitted in CAD format, drawn at true scale and location and tied to the City corporate coordinate system. (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 owner submits a Servicing Brief prepared by a qualified professional to demonstrate that the existing storm and sanitary sewers on Kingfisher Drive have adequate capacity to service the proposed intensification or to identify the required upgrades that shall be completed by the proponent at 100% their costs and to the satisfaction of the City's Manager of Development Approvals.
5. That the Owner enter into with the City of Hamilton and register on title of the lands, a combined **Consent Agreement for Grading and External Works**, having an administrative fee of \$5,285.00 (2022 fee) to address issues including but not limited to: reconstruction of the municipal streets adjacent to the subject lands and upgrades on the existing storm and sanitary sewers, ECA approval, if required, 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, , stormwater management infrastructure and securities for items that may include: lot grading 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, all to the satisfaction of the City's Manager of Development Approvals.
6. If a Condition for a road widening and/or daylight triangle dedication is required, the

owner/applicant shall submit survey evidence that the lands to be retained, including the lot width, 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 (Planning Division – Zoning Examination Section)

7. The owner shall apply for and receive any required building permits in the normal manner to the satisfaction of the Planning and Economic Development Department (Planning Division – Zoning Examination Section).
8. That Severance application HM/B-22:46 be final and registered, to the satisfaction of the Manager of Development 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 (Anshe Sholem Cemetery) will remain as **389, 391, & 427 Road (Hamilton)** and the lands to be conveyed (Lots 1 to 20) will be addressed according to the table below:

Lot # Address

1. 385 Limeridge Road East
2. 383 Limeridge Road East
3. 381 Limeridge Road East
4. 379 Limeridge Road East
5. 5 Kingfisher Drive
6. 7 Kingfisher Drive
7. 9 Kingfisher Drive
8. 11 Kingfisher Drive
9. 13 Kingfisher Drive
10. 15 Kingfisher Drive
11. 17 Kingfisher Drive
12. 19 Kingfisher Drive
13. 21 Kingfisher Drive
14. 23 Kingfisher Drive
15. 25 Kingfisher Drive
16. 27 Kingfisher Drive
17. 29 Kingfisher Drive
18. 31 Kingfisher Drive
19. 33 Kingfisher Drive
20. 35 Kingfisher Drive

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. (Forestry Section)

HM/B-22:51 – 389 Limeridge Rd. E., Hamilton

PLANNING and ECONOMIC DEVELOPMENT DEPARTMENT

Development Planning – Suburban

See HM.B.22.46

Zoning:

See HM.B.22.47

Development Engineering:

See HM.B.22.46

Growth Management:

See HM.B.22.46

Transportation Planning:

See HM.B.22.50

See attached for additional comments.



Stephen Clark, 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 – Stephen.Clark@hamilton.ca

Hamilton

Forestry & Horticulture Section
Environmental Services Division
Public Works Department

Date: June 14, 2022

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

From: Stephen Clark, Urban Forest Health Technician

Subject: 389-427 Limeridge Road East, Hamilton
File: HM/B-22:51

PREAMBLE

In response to your Agenda listing for the upcoming meeting on Thursday, June 23, 2022, 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. 4219

Regards,

A handwritten signature in blue ink that reads "Stephen Clark". The signature is written in a cursive, flowing style.

Stephen Clark
Urban Forest Health Technician



HM/B-22:52 – 389 Limeridge Rd. E., Hamilton

Consolidation Report

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

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

1. The owner shall submit a deposited Ontario Land Surveyor's Reference Plan to the Committee of Adjustment Office, unless exempted by the Land Registrar. The reference plan must be submitted in pdf and also submitted in CAD format, drawn at true scale and location and tied to the City corporate coordinate system. (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 owner submits a Servicing Brief prepared by a qualified professional to demonstrate that the existing storm and sanitary sewers on Kingfisher Drive have adequate capacity to service the proposed intensification or to identify the required upgrades that shall be completed by the proponent at 100% their costs and to the satisfaction of the City's Manager of Development Approvals.
5. That the Owner enter into with the City of Hamilton and register on title of the lands, a combined **Consent Agreement for Grading and External Works**, having an administrative fee of \$5,285.00 (2022 fee) to address issues including but not limited to: reconstruction of the municipal streets adjacent to the subject lands and upgrades on the existing storm and sanitary sewers, ECA approval, if required, 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, , stormwater management infrastructure and securities for items that may include: lot grading 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, all to the satisfaction of the City's Manager of Development Approvals.
6. If a Condition for a road widening and/or daylight triangle dedication is required, the

owner/applicant shall submit survey evidence that the lands to be retained, including the lot width, 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 (Planning Division – Zoning Examination Section)

7. The owner shall apply for and receive any required building permits in the normal manner to the satisfaction of the Planning and Economic Development Department (Planning Division – Zoning Examination Section).
8. That Severance application HM/B-22:46 be final and registered, to the satisfaction of the Manager of Development 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 (Anshe Sholem Cemetery) will remain as **389, 391, & 427 Road (Hamilton)** and the lands to be conveyed (Lots 1 to 20) will be addressed according to the table below:

Lot # Address

1. 385 Limeridge Road East
2. 383 Limeridge Road East
3. 381 Limeridge Road East
4. 379 Limeridge Road East
5. 5 Kingfisher Drive
6. 7 Kingfisher Drive
7. 9 Kingfisher Drive
8. 11 Kingfisher Drive
9. 13 Kingfisher Drive
10. 15 Kingfisher Drive
11. 17 Kingfisher Drive
12. 19 Kingfisher Drive
13. 21 Kingfisher Drive
14. 23 Kingfisher Drive
15. 25 Kingfisher Drive
16. 27 Kingfisher Drive
17. 29 Kingfisher Drive
18. 31 Kingfisher Drive
19. 33 Kingfisher Drive
20. 35 Kingfisher Drive

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. (Forestry Section)

HM/B-22:52 – 389 Limeridge Rd. E., Hamilton

PLANNING and ECONOMIC DEVELOPMENT DEPARTMENT

Development Planning – Suburban

See HM.B.22.46

Zoning:

See HM.B.22.47

Development Engineering:

See HM.B.22.46

Growth Management:

See HM.B.22.46

Transportation Planning:

See HM.B.22.50

See attached for additional comments.



Stephen Clark, 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 – Stephen.Clark@hamilton.ca

Hamilton

Forestry & Horticulture Section
Environmental Services Division
Public Works Department

Date: June 14, 2022

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

From: Stephen Clark, Urban Forest Health Technician

Subject: 389-427 Limeridge Road East, Hamilton
File: HM/B-22:52

PREAMBLE

In response to your Agenda listing for the upcoming meeting on Thursday, June 23, 2022, 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

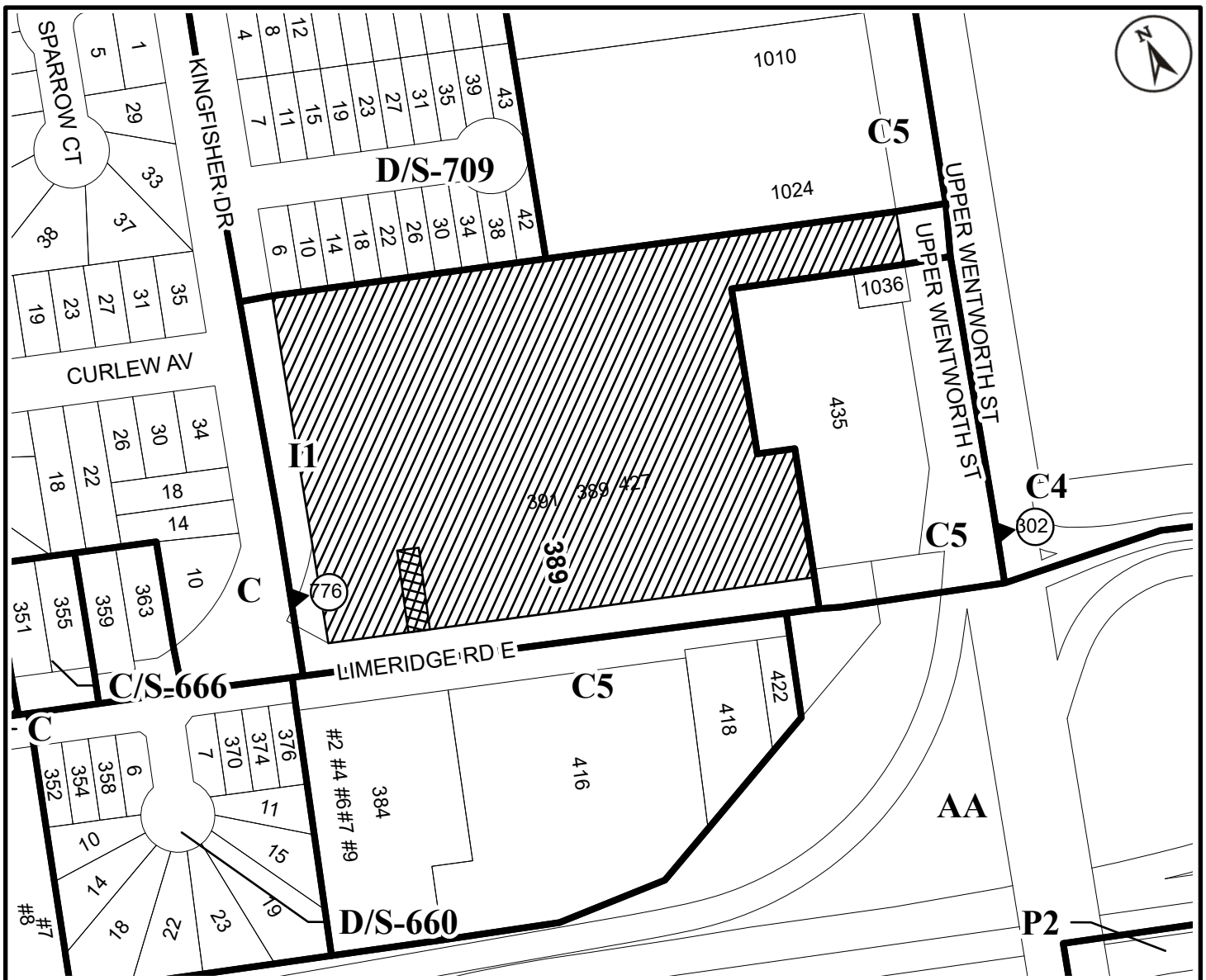
- There are Municipal Tree Assets on site, although no impacts are anticipated therefore no Tree Management Plan or Landscape plan is required.
- **Note: Prior to a person performing any work on, in or around a public tree an application for a permit shall be submitted to the Director.**

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. 4219

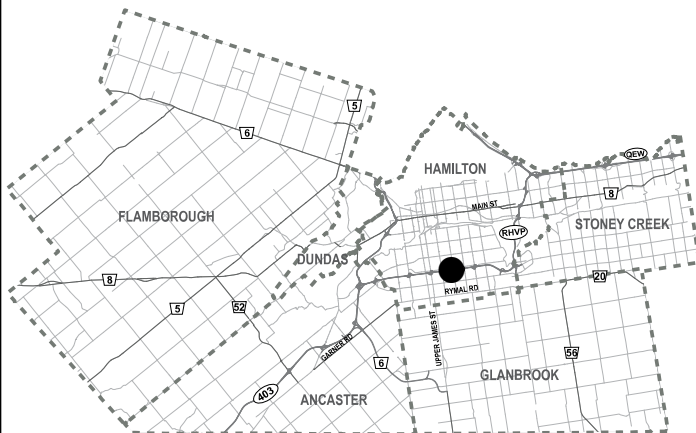
Regards,

A handwritten signature in blue ink that reads "Stephen Clark". The signature is written in a cursive, flowing style.

Stephen Clark
Urban Forest Health Technician



● Site Location



City of Hamilton

Committee of Adjustment

Subject Property

389 Limeridge Road East, Hamilton (Ward 7)



Lands to be Retained



Lands to be Severed

File Name/Number:

HM/B-22:47

Date:

June 17, 2022

Technician:

AL

Map Not To Scale

Appendix "A"



Hamilton

PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT

HM/B-22:53 – 389 Limeridge Rd. E., Hamilton

Consolidation Report

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

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

1. The owner shall submit a deposited Ontario Land Surveyor's Reference Plan to the Committee of Adjustment Office, unless exempted by the Land Registrar. The reference plan must be submitted in pdf and also submitted in CAD format, drawn at true scale and location and tied to the City corporate coordinate system. (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 owner submits a Servicing Brief prepared by a qualified professional to demonstrate that the existing storm and sanitary sewers on Kingfisher Drive have adequate capacity to service the proposed intensification or to identify the required upgrades that shall be completed by the proponent at 100% their costs and to the satisfaction of the City's Manager of Development Approvals.
5. That the Owner enter into with the City of Hamilton and register on title of the lands, a combined **Consent Agreement for Grading and External Works**, having an administrative fee of \$5,285.00 (2022 fee) to address issues including but not limited to: reconstruction of the municipal streets adjacent to the subject lands and upgrades on the existing storm and sanitary sewers, ECA approval, if required, 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, , stormwater management infrastructure and securities for items that may include: lot grading 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, all to the satisfaction of the City's Manager of Development Approvals.
6. If a Condition for a road widening and/or daylight triangle dedication is required, the

owner/applicant shall submit survey evidence that the lands to be retained, including the lot width, 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 (Planning Division – Zoning Examination Section)

7. The owner shall apply for and receive any required building permits in the normal manner to the satisfaction of the Planning and Economic Development Department (Planning Division – Zoning Examination Section).
8. That Severance application HM/B-22:46 be final and registered, to the satisfaction of the Manager of Development 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 (Anshe Sholem Cemetery) will remain as **389, 391, & 427 Road (Hamilton)** and the lands to be conveyed (Lots 1 to 20) will be addressed according to the table below:

Lot # Address

1. 385 Limeridge Road East
2. 383 Limeridge Road East
3. 381 Limeridge Road East
4. 379 Limeridge Road East
5. 5 Kingfisher Drive
6. 7 Kingfisher Drive
7. 9 Kingfisher Drive
8. 11 Kingfisher Drive
9. 13 Kingfisher Drive
10. 15 Kingfisher Drive
11. 17 Kingfisher Drive
12. 19 Kingfisher Drive
13. 21 Kingfisher Drive
14. 23 Kingfisher Drive
15. 25 Kingfisher Drive
16. 27 Kingfisher Drive
17. 29 Kingfisher Drive
18. 31 Kingfisher Drive
19. 33 Kingfisher Drive
20. 35 Kingfisher Drive

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. (Forestry Section)

HM/B-22:53 – 389 Limeridge Rd. E., Hamilton

PLANNING and ECONOMIC DEVELOPMENT DEPARTMENT

Development Planning – Suburban

See HM.B.22.46

Zoning:

See HM.B.22.47

Development Engineering:

See HM.B.22.46

Growth Management:

See HM.B.22.46

Transportation Planning:

See HM.B.22.50

See attached for additional comments.



Stephen Clark, 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 – Stephen.Clark@hamilton.ca

Hamilton

Forestry & Horticulture Section
Environmental Services Division
Public Works Department

Date: June 14, 2022

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

From: Stephen Clark, Urban Forest Health Technician

Subject: 389-427 Limeridge Road East, Hamilton
File: HM/B-22:53

PREAMBLE

In response to your Agenda listing for the upcoming meeting on Thursday, June 23, 2022, 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

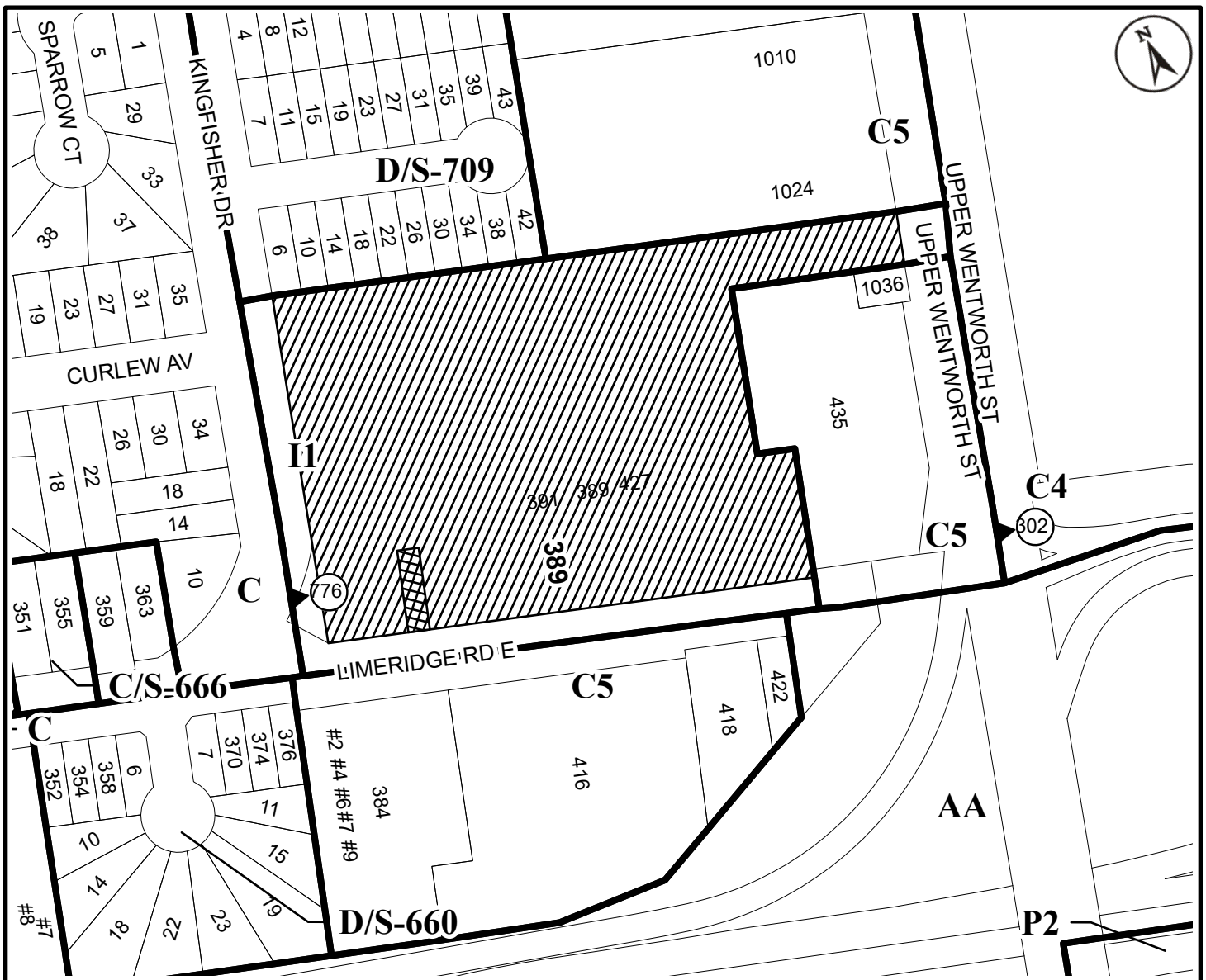
- There are Municipal Tree Assets on site, although no impacts are anticipated therefore no Tree Management Plan or Landscape plan is required.
- **Note: Prior to a person performing any work on, in or around a public tree an application for a permit shall be submitted to the Director.**

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. 4219

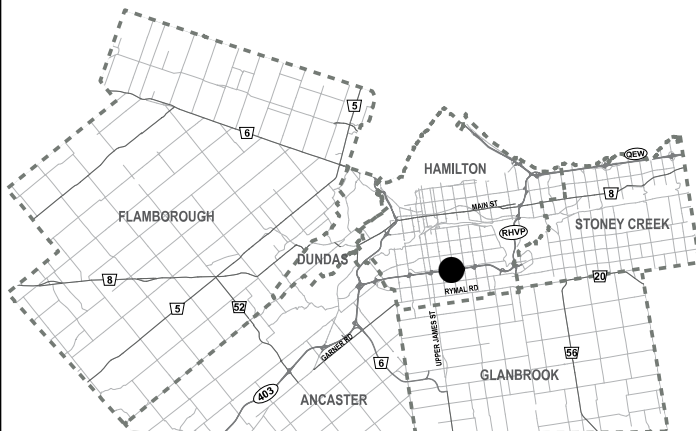
Regards,

A handwritten signature in blue ink that reads "Stephen Clark". The signature is written in a cursive, flowing style.

Stephen Clark
Urban Forest Health Technician



● Site Location



City of Hamilton

Committee of Adjustment

Subject Property

389 Limeridge Road East, Hamilton (Ward 7)



Lands to be Retained



Lands to be Severed

File Name/Number:

HM/B-22:47

Date:

June 17, 2022

Technician:

AL

Map Not To Scale

Appendix "A"



Hamilton

PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT

HM/B-22:54 – 389 Limeridge Rd. E., Hamilton

Consolidation Report

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

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

1. The owner shall submit a deposited Ontario Land Surveyor's Reference Plan to the Committee of Adjustment Office, unless exempted by the Land Registrar. The reference plan must be submitted in pdf and also submitted in CAD format, drawn at true scale and location and tied to the City corporate coordinate system. (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 owner submits a Servicing Brief prepared by a qualified professional to demonstrate that the existing storm and sanitary sewers on Kingfisher Drive have adequate capacity to service the proposed intensification or to identify the required upgrades that shall be completed by the proponent at 100% their costs and to the satisfaction of the City's Manager of Development Approvals.
5. That the Owner enter into with the City of Hamilton and register on title of the lands, a combined **Consent Agreement for Grading and External Works**, having an administrative fee of \$5,285.00 (2022 fee) to address issues including but not limited to: reconstruction of the municipal streets adjacent to the subject lands and upgrades on the existing storm and sanitary sewers, ECA approval, if required, 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, , stormwater management infrastructure and securities for items that may include: lot grading 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, all to the satisfaction of the City's Manager of Development Approvals.
6. If a Condition for a road widening and/or daylight triangle dedication is required, the

owner/applicant shall submit survey evidence that the lands to be retained, including the lot width, 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 (Planning Division – Zoning Examination Section)

7. The owner shall apply for and receive any required building permits in the normal manner to the satisfaction of the Planning and Economic Development Department (Planning Division – Zoning Examination Section).
8. That Severance application HM/B-22:46 be final and registered, to the satisfaction of the Manager of Development 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 (Anshe Sholem Cemetery) will remain as **389, 391, & 427 Road (Hamilton)** and the lands to be conveyed (Lots 1 to 20) will be addressed according to the table below:

Lot # Address

1. 385 Limeridge Road East
2. 383 Limeridge Road East
3. 381 Limeridge Road East
4. 379 Limeridge Road East
5. 5 Kingfisher Drive
6. 7 Kingfisher Drive
7. 9 Kingfisher Drive
8. 11 Kingfisher Drive
9. 13 Kingfisher Drive
10. 15 Kingfisher Drive
11. 17 Kingfisher Drive
12. 19 Kingfisher Drive
13. 21 Kingfisher Drive
14. 23 Kingfisher Drive
15. 25 Kingfisher Drive
16. 27 Kingfisher Drive
17. 29 Kingfisher Drive
18. 31 Kingfisher Drive
19. 33 Kingfisher Drive
20. 35 Kingfisher Drive

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. (Forestry Section)

HM/B-22:54 – 389 Limeridge Rd. E., Hamilton

PLANNING and ECONOMIC DEVELOPMENT DEPARTMENT

Development Planning – Suburban

See HM.B.22.46

Zoning:

See HM.B.22.47

Development Engineering:

See HM.B.22.46

Growth Management:

See HM.B.22.46

Transportation Planning:

See HM.B.22.50

See attached for additional comments.



Stephen Clark, 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 – Stephen.Clark@hamilton.ca

Hamilton

Forestry & Horticulture Section
Environmental Services Division
Public Works Department

Date: June 14, 2022

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

From: Stephen Clark, Urban Forest Health Technician

Subject: 389-427 Limeridge Road East, Hamilton
File: HM/B-22:54

PREAMBLE

In response to your Agenda listing for the upcoming meeting on Thursday, June 23, 2022, 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

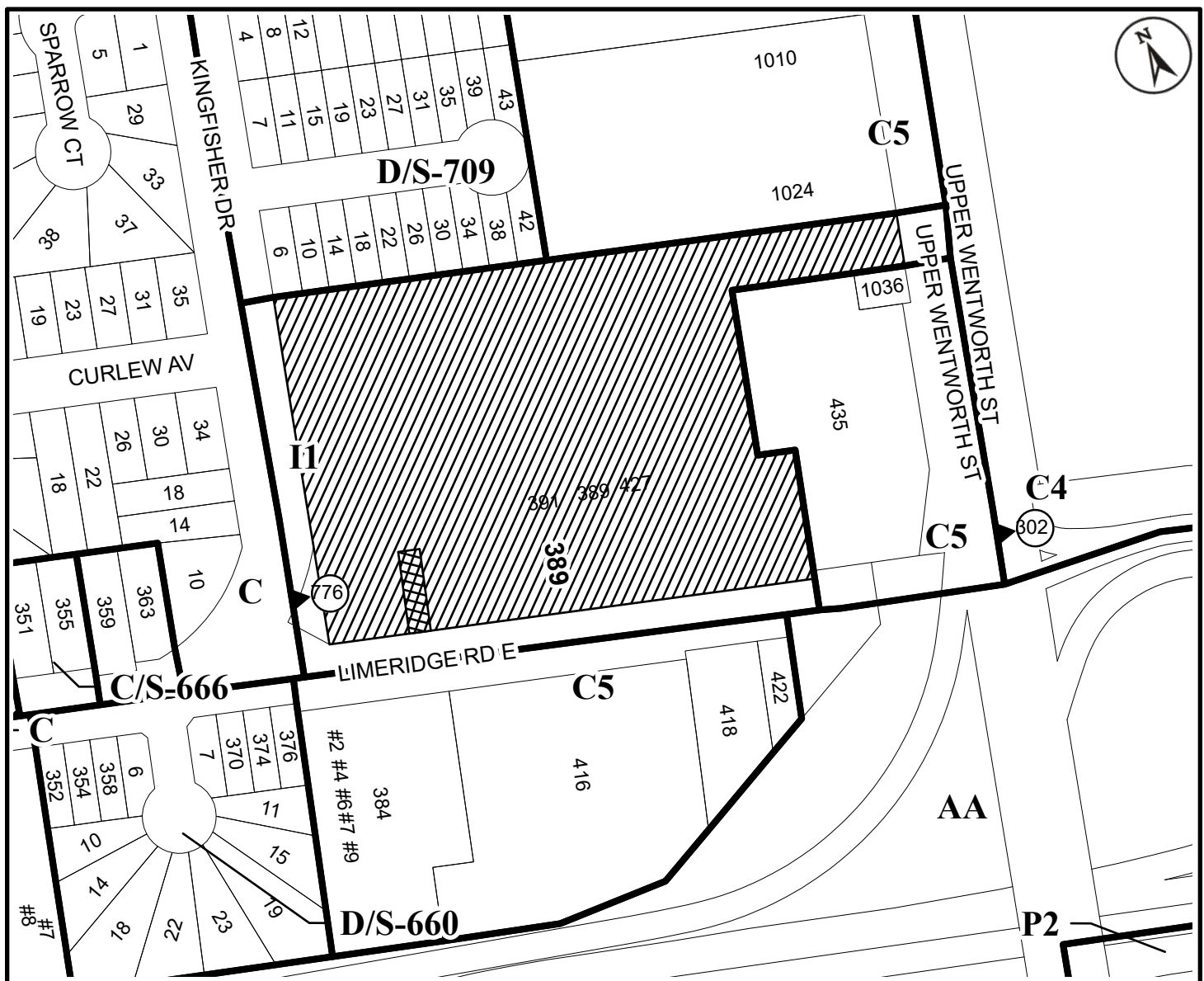
- There are Municipal Tree Assets on site, although no impacts are anticipated therefore no Tree Management Plan or Landscape plan is required.
- **Note: Prior to a person performing any work on, in or around a public tree an application for a permit shall be submitted to the Director.**

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. 4219

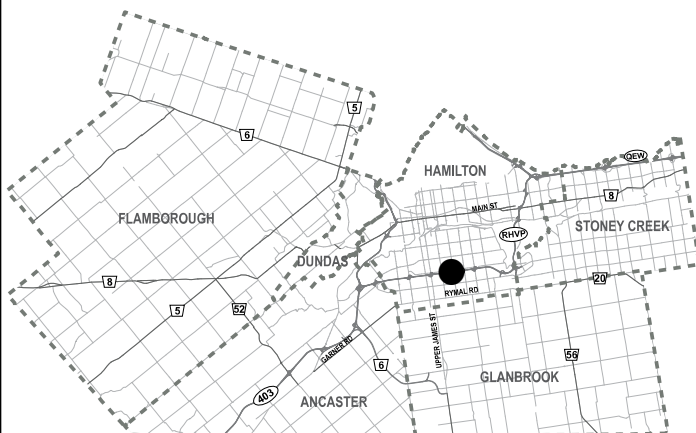
Regards,

A handwritten signature in blue ink that reads "Stephen Clark". The signature is written in a cursive, flowing style.

Stephen Clark
Urban Forest Health Technician



● Site Location



City of Hamilton

Committee of Adjustment

Subject Property

389 Limeridge Road East, Hamilton (Ward 7)



Lands to be Retained



Lands to be Severed

File Name/Number:

HM/B-22:47

Date:

June 17, 2022

Technician:

AL

Map Not To Scale

Appendix "A"



Hamilton

PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT

HM/B-22:55 – 389 Limeridge Rd. E., Hamilton

Consolidation Report

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

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

1. The owner shall submit a deposited Ontario Land Surveyor's Reference Plan to the Committee of Adjustment Office, unless exempted by the Land Registrar. The reference plan must be submitted in pdf and also submitted in CAD format, drawn at true scale and location and tied to the City corporate coordinate system. (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 owner submits a Servicing Brief prepared by a qualified professional to demonstrate that the existing storm and sanitary sewers on Kingfisher Drive have adequate capacity to service the proposed intensification or to identify the required upgrades that shall be completed by the proponent at 100% their costs and to the satisfaction of the City's Manager of Development Approvals.
5. That the Owner enter into with the City of Hamilton and register on title of the lands, a combined **Consent Agreement for Grading and External Works**, having an administrative fee of \$5,285.00 (2022 fee) to address issues including but not limited to: reconstruction of the municipal streets adjacent to the subject lands and upgrades on the existing storm and sanitary sewers, ECA approval, if required, 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, , stormwater management infrastructure and securities for items that may include: lot grading 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, all to the satisfaction of the City's Manager of Development Approvals.
6. If a Condition for a road widening and/or daylight triangle dedication is required, the

owner/applicant shall submit survey evidence that the lands to be retained, including the lot width, 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 (Planning Division – Zoning Examination Section)

7. The owner shall apply for and receive any required building permits in the normal manner to the satisfaction of the Planning and Economic Development Department (Planning Division – Zoning Examination Section).
8. That Severance application HM/B-22:46 be final and registered, to the satisfaction of the Manager of Development 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 (Anshe Sholem Cemetery) will remain as **389, 391, & 427 Road (Hamilton)** and the lands to be conveyed (Lots 1 to 20) will be addressed according to the table below:

Lot # Address

1. 385 Limeridge Road East
2. 383 Limeridge Road East
3. 381 Limeridge Road East
4. 379 Limeridge Road East
5. 5 Kingfisher Drive
6. 7 Kingfisher Drive
7. 9 Kingfisher Drive
8. 11 Kingfisher Drive
9. 13 Kingfisher Drive
10. 15 Kingfisher Drive
11. 17 Kingfisher Drive
12. 19 Kingfisher Drive
13. 21 Kingfisher Drive
14. 23 Kingfisher Drive
15. 25 Kingfisher Drive
16. 27 Kingfisher Drive
17. 29 Kingfisher Drive
18. 31 Kingfisher Drive
19. 33 Kingfisher Drive
20. 35 Kingfisher Drive

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. (Forestry Section)

HM/B-22:55 – 389 Limeridge Rd. E., Hamilton

PLANNING and ECONOMIC DEVELOPMENT DEPARTMENT

Development Planning – Suburban

See HM.B.22.46

Zoning:

See HM.B.22.47

Development Engineering:

See HM.B.22.46

Growth Management:

See HM.B.22.46

Transportation Planning:

See HM.B.22.50

See attached for additional comments.



Stephen Clark, 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 – Stephen.Clark@hamilton.ca

Hamilton

Forestry & Horticulture Section
Environmental Services Division
Public Works Department

Date: June 14, 2022

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

From: Stephen Clark, Urban Forest Health Technician

Subject: 389-427 Limeridge Road East, Hamilton
File: HM/B-22:55

PREAMBLE

In response to your Agenda listing for the upcoming meeting on Thursday, June 23, 2022, 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. 4219

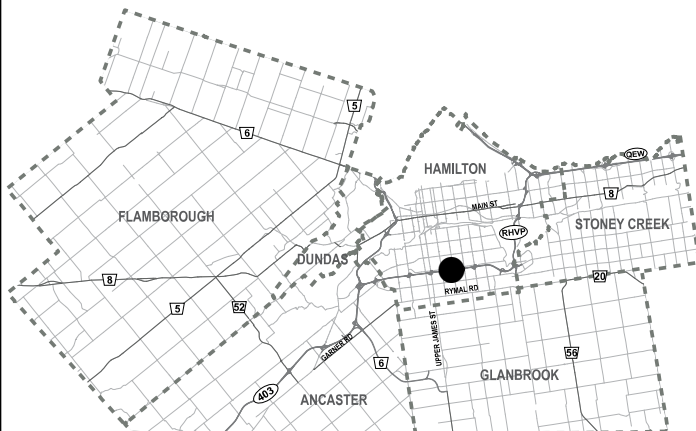
Regards,

A handwritten signature in blue ink that reads "Stephen Clark". The signature is written in a cursive, flowing style.

Stephen Clark
Urban Forest Health Technician



● Site Location



City of Hamilton

Committee of Adjustment

Subject Property

389 Limeridge Road East, Hamilton (Ward 7)



Lands to be Retained



Lands to be Severed

File Name/Number:

HM/B-22:47

Date:

June 17, 2022

Technician:

AL

Map Not To Scale

Appendix "A"



Hamilton

PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT

HM/B-22:56 – 389 Limeridge Rd. E., Hamilton

Consolidation Report

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

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

1. The owner shall submit a deposited Ontario Land Surveyor's Reference Plan to the Committee of Adjustment Office, unless exempted by the Land Registrar. The reference plan must be submitted in pdf and also submitted in CAD format, drawn at true scale and location and tied to the City corporate coordinate system. (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 owner submits a Servicing Brief prepared by a qualified professional to demonstrate that the existing storm and sanitary sewers on Kingfisher Drive have adequate capacity to service the proposed intensification or to identify the required upgrades that shall be completed by the proponent at 100% their costs and to the satisfaction of the City's Manager of Development Approvals.
5. That the Owner enter into with the City of Hamilton and register on title of the lands, a combined **Consent Agreement for Grading and External Works**, having an administrative fee of \$5,285.00 (2022 fee) to address issues including but not limited to: reconstruction of the municipal streets adjacent to the subject lands and upgrades on the existing storm and sanitary sewers, ECA approval, if required, 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, , stormwater management infrastructure and securities for items that may include: lot grading 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, all to the satisfaction of the City's Manager of Development Approvals.
6. If a Condition for a road widening and/or daylight triangle dedication is required, the

owner/applicant shall submit survey evidence that the lands to be retained, including the lot width, 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 (Planning Division – Zoning Examination Section)

7. The owner shall apply for and receive any required building permits in the normal manner to the satisfaction of the Planning and Economic Development Department (Planning Division – Zoning Examination Section).
8. That Severance application HM/B-22:46 be final and registered, to the satisfaction of the Manager of Development 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 (Anshe Sholem Cemetery) will remain as **389, 391, & 427 Road (Hamilton)** and the lands to be conveyed (Lots 1 to 20) will be addressed according to the table below:

Lot # Address

1. 385 Limeridge Road East
2. 383 Limeridge Road East
3. 381 Limeridge Road East
4. 379 Limeridge Road East
5. 5 Kingfisher Drive
6. 7 Kingfisher Drive
7. 9 Kingfisher Drive
8. 11 Kingfisher Drive
9. 13 Kingfisher Drive
10. 15 Kingfisher Drive
11. 17 Kingfisher Drive
12. 19 Kingfisher Drive
13. 21 Kingfisher Drive
14. 23 Kingfisher Drive
15. 25 Kingfisher Drive
16. 27 Kingfisher Drive
17. 29 Kingfisher Drive
18. 31 Kingfisher Drive
19. 33 Kingfisher Drive
20. 35 Kingfisher Drive

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. (Forestry Section)

HM/B-22:56 – 389 Limeridge Rd. E., Hamilton

PLANNING and ECONOMIC DEVELOPMENT DEPARTMENT

Development Planning – Suburban

See HM.B.22.46

Zoning:

See HM.B.22.47

Development Engineering:

See HM.B.22.46

Growth Management:

See HM.B.22.46

Transportation Planning:

See HM.B.22.50

See attached for additional comments.



Stephen Clark, 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 – Stephen.Clark@hamilton.ca

Hamilton

Forestry & Horticulture Section
Environmental Services Division
Public Works Department

Date: June 14, 2022

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

From: Stephen Clark, Urban Forest Health Technician

Subject: 389-427 Limeridge Road East, Hamilton
File: HM/B-22:56

PREAMBLE

In response to your Agenda listing for the upcoming meeting on Thursday, June 23, 2022, 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

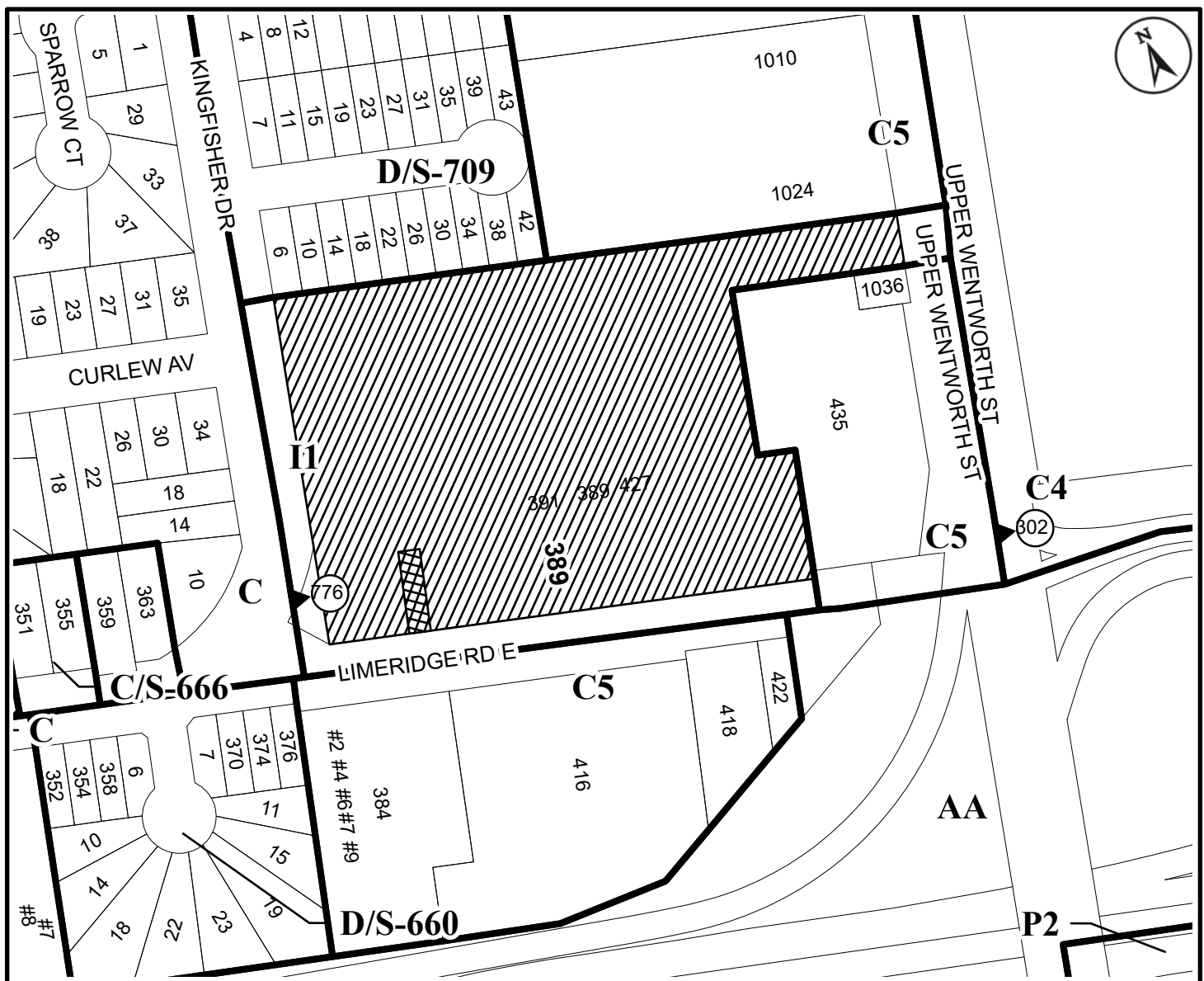
- There are Municipal Tree Assets on site, although no impacts are anticipated therefore no Tree Management Plan or Landscape plan is required.
- **Note: Prior to a person performing any work on, in or around a public tree an application for a permit shall be submitted to the Director.**

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. 4219

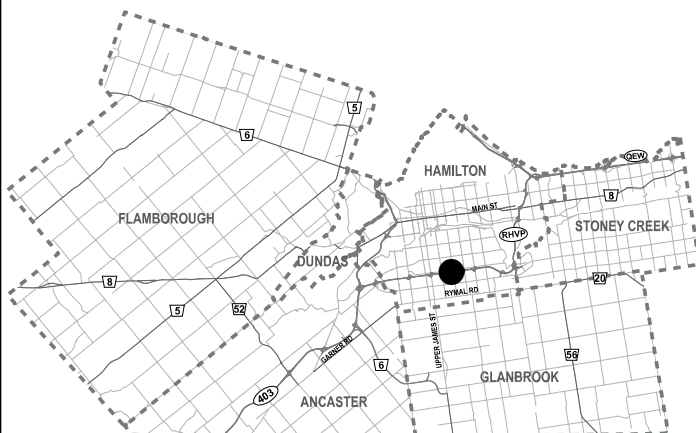
Regards,

A handwritten signature in blue ink that reads "Stephen Clark". The signature is written in a cursive, flowing style.

Stephen Clark
Urban Forest Health Technician



● Site Location



City of Hamilton

Committee of Adjustment

Subject Property

389 Limeridge Road East, Hamilton (Ward 7)



Lands to be Retained



Lands to be Severed

File Name/Number:

HM/B-22:47

Date:

June 17, 2022

Technician:

AL

Map Not To Scale

Appendix "A"



Hamilton

PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT

HM/A-22:165 – 43 Mahony 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-22:165 – 43 Mahony Ave., Hamilton

PLANNING and ECONOMIC DEVELOPMENT DEPARTMENT

Development Planning – Urban

To permit the conversion of an existing accessory structure to a secondary dwelling unit – detached in the rear yard on a residential parcel of land.

Urban Hamilton Official Plan

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

Former City of Hamilton Zoning By-Law No. 6593

The subject lands are zoned “C” (Urban Protected Residential, etc.) and permits a single detached dwelling and Secondary Dwelling Unit as per Section 19.

Variance 1

The applicant is requesting a variance to allow a minimum aisle width manoeuvring space of 5.19 metres shall be provided abutting the three (3) parking space located in the rear yard, instead of the minimum required aisle width manoeuvring space of 6.0 metres. The intent of the provision is to ensure sufficient space is provided for vehicles to maneuver. Staff are of the opinion that the variance maintains the intent of the By-law as sufficient space is being provided for a vehicle to maneuver. Staff are of the opinion that the variance is minor in nature and desirable for the development as no impacts are anticipated for the subject site.

Based on the foregoing, the general intent of the Urban Hamilton Official Plan and former Zoning By-law 6593 is being maintained, the variance is desirable for the development and minor in nature, therefore, **staff support the variance.**

Variance 2

The applicant is requesting a variance to allow one (1) of the three (3) proposed parking spaces in the rear yard, shall be permitted to have minimum dimensions of 2.6 metres in width and 6.0 metres in length, instead of the minimum required dimensions of 2.7 metres in width and 6.0 metres in length.

Staff are of the opinion that while the variance maintains the intent of the By-law, staff are of the opinion the variance is not desirable for the development nor minor in nature as the

parking space aides in a parking situation within the rear yard will cause impacts to the subject site, including reversing out of the space.

Based on the foregoing, the general intent of the Urban Hamilton Official Plan and former Zoning By-law 6593 is being maintained, the variance is neither desirable for the development nor minor in nature, therefore, **staff do not support the variance.**

Variance 3

The applicant is requesting a variance to allow an access driveway shall be permitted to have a minimum width of 2.2 metres, instead of the minimum required width of 2.8 metres. The intent of the provision is to ensure sufficient access is provided for vehicles to enter the driveway.

Staff note that the variance is to recognize an existing condition. Staff are of the opinion that the variance is minor in nature and desirable for the development as no impacts are anticipated for the subject site.

Based on the foregoing, the general intent of the Urban Hamilton Official Plan and former Zoning By-law 6593 is being maintained, the variance is desirable for the development and minor in nature, therefore, **staff support the variance.**

Recommendation:

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

Variance 2 is neither desirable for the development nor minor in nature.

In conclusion, Staff recommends that variances 1 and 3 be **approved** and variances 2 be **denied**.

Zoning:

1. Please note that the variances should be altered to delete Variance No. 1 as it relates to a minimum aisle width manoeuvring space of 5.19 metres being provided. An additional review of Section 19(1)(1)(ii)(12) established that an aisle width manoeuvring space shall not be considered an obstruction. Therefore, a minimum 6.0 metre aisle width can be provided abutting upon and accessory to each of the proposed parking spaces and compliance with Section 18A(1)(f) will have been achieved.
2. Please note that the variances should be altered to delete Variance No. 3 as it relates to an access driveway with a minimum width of 2.2 metres. An additional review of Section 19 (1)(1)(ii)(12) established that a driveway shall not be considered an obstruction. Therefore, an access driveway with a minimum width of 2.8 metres can be provided and compliance with Section 18A (7) will have been achieved.

3. Please be advised that By-law No. 22-137, to amend former City of Hamilton Zoning Bylaw No. 6593, Respecting Modifications and Updates to Secondary Dwelling Units and Secondary Dwelling Unit-Detached Regulations, was passed on June 8, 2022, but is not yet final and binding. Note that as per Section 19(1)(ii)(a), no additional parking shall be required for either a Secondary Dwelling Unit or a Secondary Dwelling Unit – Detached, provided the required parking spaces which existed on May 12, 2021 for the existing dwelling shall continue to be provided and maintained. A review of Building Division records indicates that the existing single detached dwelling was constructed in a 1942; therefore, no parking spaces are required for the principle dwelling based on the date of construction.
4. Building Permit No. 22-101735, issued on February 17, 2022 to convert the existing single family dwelling to contain a secondary dwelling unit, remains not finalized.
5. Building Permit No. BZ 94-0685, was issued on May 27, 1994, to erect a detached 22'0" x 24'0" frame garage in the rear yard.
6. Please note that the projection of eaves/gutters of the existing accessory structure which is to be converted to a Secondary Dwelling Unit - Detached was not indicated on the plans provided. Note that if alterations are proposed to the eaves/gutters, compliance with Section 19(1)(1)(ii) shall be required.
7. The submitted Site Plan indicates that the existing single-family dwelling is 87.07 square metres, and that the area of the proposed Secondary Dwelling Unit – Detached is 50.39 square metres. Please note that it is unclear if the area indicated is the gross floor area as defined in Hamilton Zoning By-law No. 6593. As per Section 19(1)(1)(ii)(8), the maximum Gross Floor Area shall not exceed the lesser of 75.0 square metres or the Gross Floor Area of the principal Single Detached Dwelling. Additional variances may be required if compliance with Section 19(1)(1)(ii)(8) cannot be achieved.
8. From the materials provided, it appears that the landscaped area required by Section 19(1)(xix) is only screened on one side. As per Section 19(1)(1)(ii)(8), each of the landscaped areas in Subsection 19. (1)(xix) shall screened on two sides by a visual barrier that has a minimum height of 0.3 metres. Additional variances may be required if compliance with Subsection 19. (1)(xix) cannot be achieved.
9. Please note that from the materials provided, apart the replacement of the existing garage door with a new exterior wall and window, no alterations to the exterior of the existing accessory structure have been indicated as part of the conversion to a Secondary Dwelling Unit – Detached. Please note that as per Section 18(30)(vi)(k), an existing building may encroach or further encroach for the purpose only of refacing the building into a required yard to a distance not exceeding 0.15 metres. Additional variances may be required if alterations to the exterior of the existing

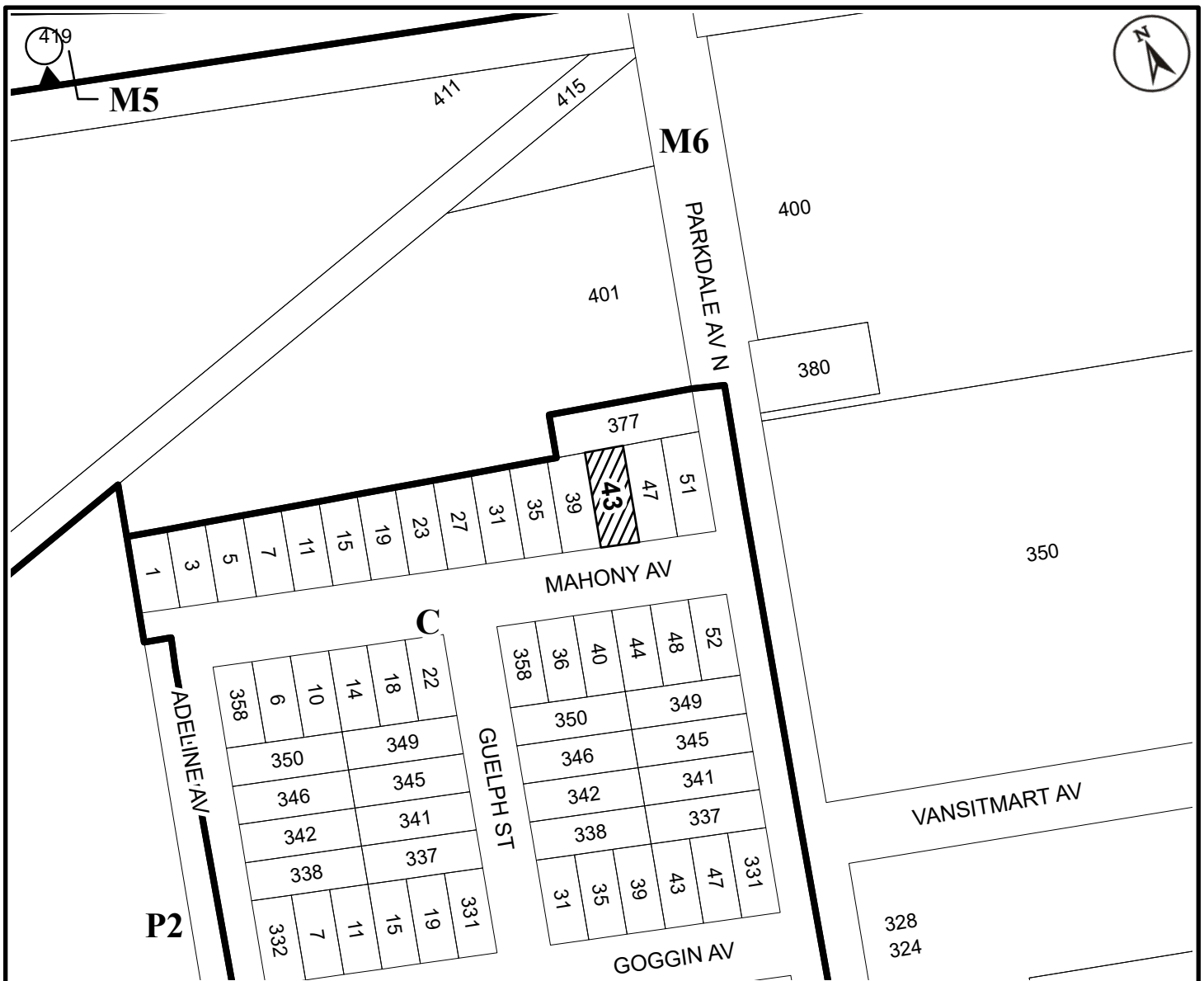
accessory structure are proposed and compliance with Zoning By-law regulations is not possible.

10. The proposed development is subject to the issuance of a building permit in the normal manner. Be advised that Ontario Building Code regulations may require specific setback and construction types.

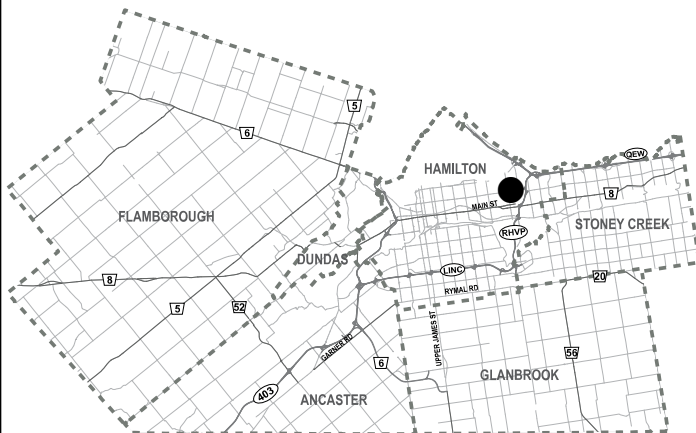
Development Engineering:

Provided the existing drainage pattern is maintained, Development Approvals have no comments.

See attached for additional comments.



Site Location



City of Hamilton

Committee of Adjustment

Subject Property



43 Mahony Avenue, Hamilton
(Ward 4)

File Name/Number:

HM/A-22:165

Date:

June 15, 2022

Technician:

AL

Map Not To Scale

Appendix "A"



Hamilton

PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT

HM/B-22:44 – 83 Sanford Ave. S., Hamilton

Consolidation Report

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

Should the Committee 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 – input either Plan Examination Section or Building Engineering Section).
5. The owner shall submit survey evidence that the lands to be severed and retained, including the location of any existing structure, parking and landscaping conform to the requirements of the Zoning By-Law or alternatively apply for and receive final approval of any variances from the requirements of the Zoning By-Law as determined necessary by the Planning and Economic Development Department (Building Division – Zoning Section).
6. The applicant shall provide confirmation of the existing uses on the lands to be retained/conveyed in order to determine compliance with the permitted uses of the "C" District 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).
7. 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)
8. A **Permit** to injure or remove municipal trees is a requirement of this application.

June 23rd, 2022

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.

HM/B-22:44 – 83 Sanford Ave. S., Hamilton

PLANNING and ECONOMIC DEVELOPMENT DEPARTMENT

Development Planning – Urban

The purpose of this application is to permit the conveyance of a parcel of land for residential purposes and to retain a parcel of land containing an existing dwelling.

Urban Hamilton Official Plan

The subject property is designated “Neighbourhoods” within Schedule E-1 Land Use Designations within the Urban Hamilton Official Plan. Policies F.1.14.3.1 and E.3.4.3, amongst others, are applicable, and permit the proposed single detached dwelling. The severed and retained lands have frontage onto a public road and are fully serviced by municipal services. Staff are of the opinion that the proposed severed and retained lands will be consistent with the surrounding lot character of the neighbourhood.

Recommendation:

In conclusion, Staff recommends that application be **approved**.

Zoning:

1. Variances for lot width and lot area will be required for zoning compliance of the lands to be conveyed/retained.
2. Please note that as per Section 9(3)(ii), a minimum side yard along each side lot line of a width of 1.2 metres is required. Insufficient information has been provided for the lands to be conveyed/retained to confirm zoning compliance.
3. Please note that there is insufficient information in Building Division records to establish the recognized use of the lands to be retained/conveyed. The “C” zoning district permits only limited residential uses. The applicant may wish to ensure that the existing/proposed uses for the lands to be conveyed/retained are permitted. It is noted that the existing/intended use for both the portion of the lands to be retained/conveyed is residential, which appears to be two (2) single family dwellings. As per Section 9(1)(i), note that the use of a Single-Family Dwelling is permitted in the current “C” District.
4. No dimensions for the setback of the existing accessory structures (i.e. shed) have been shown on the submitted plan; therefore, this Division cannot confirm zoning compliance.

5. Specific details regarding the percentage of the front yard that is to be landscaped area has not been indicated; therefore, this Division cannot confirm zoning compliance.
6. Specific details regarding parking on the lands to be conveyed/retained has not been indicated; therefore, this Division cannot confirm zoning compliance.
7. Specific details regarding permitted yard encroachments on the lands to be conveyed/retained has not been indicated; therefore, this Division cannot confirm zoning compliance.
8. In order to clear conditions, the applicant will be required to make an application for a Zoning Compliance Review and pay the relevant fees.

CONDITIONAL UPON:

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

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 – input either Plan Examination Section or Building Engineering Section).
2. The owner shall submit survey evidence that the lands to be severed and retained, including the location of any existing structure, parking and landscaping conform to the requirements of the Zoning By-Law or alternatively apply for and receive final approval of any variances from the requirements of the Zoning By-Law as determined necessary by the Planning and Economic Development Department (Building Division – Zoning Section).
3. The applicant shall provide confirmation of the existing uses on the lands to be retained/conveyed in order to determine compliance with the permitted uses of the “C” District 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).
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)

Development Engineering:

Information:

- 1) The existing municipal infrastructure fronting the subject properties is as follows:

Sanford Avenue South

- 250mmø Sanitary Sewer @ ±1.8%
- 900mmø Combined Sewer @ ±1.5%
- 200mmø Cast Iron Watermain (East side)
- 500mmø Steel Watermain (west side, transmission watermain – service connections not permitted)

- 2) It appears that the severance application is to re-establish the original properties that has been merged at some point in the time. Therefore, our office has no comments on this application.

Transportation Planning:

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

See attached for additional comments.



Stephen Clark, 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 – Stephen.Clark@hamilton.ca

Hamilton

Forestry & Horticulture Section
Environmental Services Division
Public Works Department

Date: June 10, 2022

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

From: Stephen Clark, Urban Forest Health Technician

Subject: 83 Sanford Avenue South, Hamilton
File: HM/B-22:44

PREAMBLE

In response to your Agenda listing for the upcoming meeting on Thursday, June 23, 2022, 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 \$284.82 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 blue ink that reads "Stephen Clark". The signature is written in a cursive, flowing style.

Stephen Clark
Urban Forest Health Technician

HM/B-22:44
83 Sanford Ave. S., Hamilton



Adjacent City Owned Property PINs: 172040158

Real Estate Comments: Be advised there is a City owned alley to the rear of the subject property.

APPLICATION NO.:	HM/B-22:44	SUBJECT PROPERTY:	83 SANFORD AVENUE S HAMILTON
------------------	------------	-------------------	---------------------------------

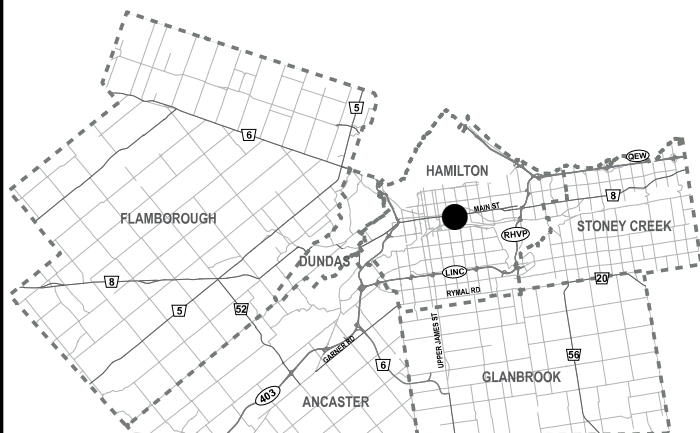
APPLICANTS: Agent E. Porter
Owner W. Szucsko

PURPOSE & EFFECT: To permit the conveyance of a parcel of land and to retain a parcel of land for residential purposes.

	Frontage	Depth	Area
SEVERED LANDS:	7.47 m [±]	39.01 m [±]	291.46 m ^{2±}
RETAINED LANDS:	7.49 m [±]	39.28 m [±]	294.58 m ^{2±}



● Site Location



City of Hamilton

Committee of Adjustment

Subject Property

83 Sanford Avenue South, Hamilton (Ward 3)



Lands to be Retained



Lands to be Severed

File Name/Number:

HM/B-22:44

Date:

June 16, 2022

Technician:

AL

Map Not To Scale

Appendix "A"



Hamilton

PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT

HM/B-22:42 – 215-217 Macauley 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 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 separation distances to the satisfaction of the Planning and Economic Development Department (Building Services Division).
5. That the Owner provide separate independent sewer and water services to the severed and retained parcels or proof that they exist the satisfaction of the City's Manager of Development Approvals.

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)."

HM/B-22:42 – 215-217 Macauley St., Hamilton

PLANNING and ECONOMIC DEVELOPMENT DEPARTMENT

Development Planning – Urban

The purpose of this application is to permit the conveyance of a parcel of land for residential purposes and to retain a parcel of land containing an existing dwelling.

Urban Hamilton Official Plan

The subject property is located within the West Harbour (Setting Sail) Secondary Plan Area which is subject to Local Planning Appeal Tribunal Non-Decision No. 113. The Regional Official Plan is referred to in evaluating this application.

Hamilton – Wentworth Regional Official Plan

The subject property is designated “Urban Area” on Map 1 of the Hamilton – Wentworth Regional Official Plan. Policies A.2.1.3 and A.3.4.1, amongst others, are applicable and permit semi-detached dwellings and the division of land.

The proposal is for the severance of a parcel of land into two individual lots for residential purposes. The severed lot and retained lot are fully serviced by municipal water and wastewater systems, and front onto Macauley Street East.

West Harbour Setting Sail Secondary Plan

The subject property is designated “Low Density Residential” on Schedule M-2: General Land Use and is identified as a “Stable Area” on Schedule M-1: Planning Area and Sub-Areas. Policies A.6.3.3.1.12 (ii), (iv) and (vii), A.6.3.3.3.7, A.6.3.3.4.1, and A.6.3.3.4.1 (ii), amongst others, are applicable and permit semi-detached dwellings.

Archeology

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

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

These criteria define the property as having archaeological potential. Accordingly, Section 2 (d) of the Planning Act and Section 2.6.2 of the Provincial Policy Statement apply to the subject application. If this consent 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 archaeological resources are encountered, the proponent may be required to conduct an archaeological assessment prior to further impact in order to address these concerns and mitigate, through preservation or resource removal and documentation, adverse impacts to any significant archaeological resources found. Mitigation, by an Ontario-licensed archaeologist, may include the monitoring of any mechanical excavation arising from this project. If archaeological resources are identified on-site, further Stage 3 Site-specific Assessment and Stage 4 Mitigation of Development Impacts may be required as determined by the Ontario Ministry of Heritage, Sport, Tourism and Culture Industries (MHSTCI). All archaeological reports shall be submitted to the City of Hamilton for approval concurrent with their submission to the MHSTCI.

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

Cultural Heritage

The subject property is comprised of a vacant lot (as indicated in the application form, the previous dwelling was demolished following a fire) located within the North End East Established Historical Neighborhood.

Accordingly, the following section of the Urban Hamilton Official Plan, Volume 1, applies:

3.4.3.6 “The City shall protect established historical neighbourhoods, as identified in the cultural heritage landscape inventory, secondary plans and other City initiatives, by ensuring that new construction and development are sympathetic and complementary to existing cultural heritage attributes of the neighbourhood, including lotting and street patterns, building setbacks and building mass, height, and materials.”

The applicant proposes to permit the conveyance of a parcel of land and to retain a parcel of land for residential purposes.

Staff encourage the applicant to consider the use of building materials, massing and styles for the proposed new construction that are sympathetic to, and compatible with, the streetscape and built form of the area. Staff have no further comments on the application as circulated.

Recommendation:

In conclusion, Staff recommends that application be **approved**.

Zoning:

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 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.

Please visit <https://www.hamilton.ca/city-planning/official-plan-zoning-by-law/residential-zones> or email residentialzoning@hamilton.ca for further information.

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

CONDITIONAL UPON:

1. The applicant shall ensure compliance with Ontario Building Code requirements regarding separation distances to the satisfaction of the Planning and Economic Development Department (Building Services Division).

Development Engineering:

Information:

- 1) The existing municipal infrastructure fronting the subject properties is as follows:

Maccauley Street East

- 300mmø Combined Sewer @ ±1.4%
- 150mmø Cast Iron Watermain

- 2) The proponent will be required to provide separate independent sewer and water services to the severed and retained parcels or proof that they exist.

Required Conditions:

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

Transportation Planning:

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

See attached for additional comments.



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

Hamilton

Forestry & Horticulture Section
Environmental Services Division
Public Works Department

Date: June 17, 2022

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: 215 – 217 Macaulay St. E., Hamilton.
File: HM/B-22:42

PREAMBLE

In response to your Agenda listing for the upcoming meeting on Thursday, June 23, 2022, regarding the above subject area under discussion, the Forestry & Horticulture Section has reviewed the submission associated with the Application for Consent/Land Severance for this site and provides the following opinion:

SCOPE

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

No Landscape plan required.

Forestry has no concerns or conditions regarding this application.

TREE MANAGEMENT

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

LANDSCAPE PLAN

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

SUMMARY

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

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

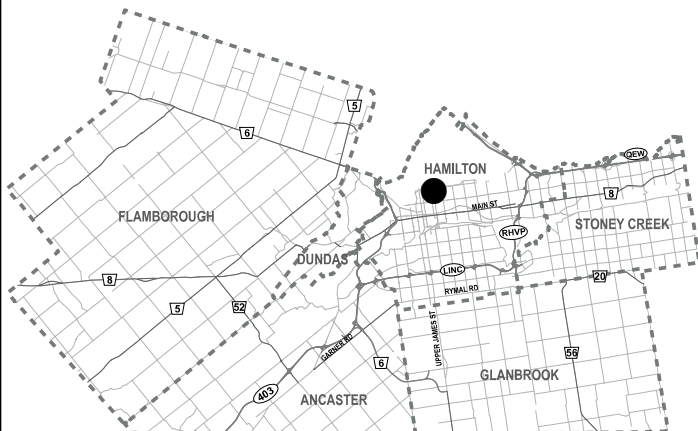
Regards,

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

Sam Brush
Urban Forest Health Technician



● Site Location



City of Hamilton

Committee of Adjustment

Subject Property



215 - 217 Macaulay Street East,
Hamilton (Ward 2)

File Name/Number:

HM/B-22:42

Date:

June 16, 2022

Technician:

AL

Map Not To Scale

Appendix "A"



Hamilton

PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT

HM/A-22:28 – 185 Park St. N., Hamilton

Consolidation Report

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

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

HM/A-22:28 – 185 Park St. N., Hamilton

PLANNING and ECONOMIC DEVELOPMENT DEPARTMENT

Development Planning – Urban

The purpose of this application is to permit the construction of a new two storey single detached dwelling, notwithstanding the variances below.

Urban Hamilton Official Plan

The subject property is located within the West Harbour (Setting Sail) Secondary Plan Area which is subject to Ontario Land Tribunal Non-Decision No. 113. The Regional Official Plan is referred to in evaluating this application.

Hamilton – Wentworth Regional Official Plan

The subject property is designated “Urban Area” on Map 1 of the Hamilton – Wentworth Regional Official Plan.

West Harbour (Setting Sail) Secondary Plan

The subject property is designated “Low Density Residential” on Schedule M-2 General Land Use within the West Harbour (Setting Sail) Secondary Plan. The subject property is also identified within a “Stable Area” within Schedule M-1 Planning Area and Sub Areas within the Secondary Plan. Policies A.6.3.3.1.12.ii) and iv), A.6.3.3.1.12.v), and A.6.3.7.1.1 amongst others, are applicable and permit a single detached dwelling.

Cultural Heritage

The subject property is a vacant lot within the Central Established Historical Neighborhood.

Accordingly, the following section of the Urban Hamilton Official Plan, Volume 1, applies: 3.4.3.6 “The City shall protect established historical neighbourhoods, as identified in the cultural heritage landscape inventory, secondary plans and other City initiatives, by ensuring that new construction and development are sympathetic and complementary to existing cultural heritage attributes of the neighbourhood, including lotting and street patterns, building setbacks and building mass, height, and materials.”

The applicant proposes the construction of a new two-storey Single Family Dwelling. 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.

Staff strongly encourage the use of compatible materials in the new construction to ensure the new dwelling will have minimal visual impact on the streetscape. Staff have no further comments on the application as circulated.

Former City of Hamilton By-law No. 6593

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

Variance 1

The applicant is requesting a variance to allow a minimum front yard of 0.0 metres notwithstanding the minimum 6.0 metre front yard depth requirement. The intent of this provision is to allow adequate space for landscaped area and parking, to provide a consistent streetscape, and to allow for a proper building envelope for the site.

Staff are of the opinion that the general intent of the By-law is being met as the front yard brought up to the property line is providing a consistent residential streetscape. The variance is desirable for the development and minor in nature as no impact is anticipated for the subject or surrounding area.

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

Variance 2

The applicant is requesting a variance to permit a northerly side yard width of 0.6 metre to be provided, notwithstanding the minimum 1.2 metre required side yard. The intent of this provision is to ensure access, drainage, and to provide a consistent residential streetscape and building envelope. Staff defers any drainage concerns to Development Engineering Approvals.

Staff note that the proposed 0.6 metre side yard setback will be consistent with the surrounding area-built form. Staff are of the opinion that the variance maintains the general intent of the By-law as sufficient space will be provided for access and provide a consistent streetscape. The variance is minor in nature and desirable for the development as no impacts are anticipated.

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

Variance 3

The applicant is requesting a variance to permit eaves and gutters to be permitted to project a maximum of 0.5 metres into the required side yard and may be as close as 0.1 metres from the side lot line, notwithstanding the maximum 0.3 metre projection

permitted. The intent of this provision is to ensure all stormwater management remains on the subject site. Staff defers any stormwater concerns to Development Engineering Approvals.

Staff are of the opinion that the variance maintains the general intent of the By-law as sufficient space will be provided for stormwater management to remain on site. The variance is minor in nature and desirable for the development as no impacts are anticipated.

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

Variance 4

The applicant is requesting a variance to allow a minimum rear yard of 6.7 metres notwithstanding the minimum 7.5 metre rear yard depth requirement. The intent of this provision is to allow adequate space for amenity area and to allow for a proper building envelope for the site.

Staff are of the opinion that the general intent of the By-law is being met as the rear yard is providing a consistent and appropriate residential building envelope and will provide sufficient amenity space. The variance is desirable for the development and minor in nature as no impacts are anticipated for the subject or surrounding area.

Based on the foregoing, the general intent of the Official Plan and Zoning By-law is not being maintained, the variance is neither desirable for the development nor minor in nature; therefore, **staff support the variance.**

Variance 5

The applicant is requesting a variance to allow a minimum of one parking space to be provided, notwithstanding the minimum required two parking spaces. The intent of this provision is to ensure that sufficient parking is provided on site.

Staff are of the opinion that general intent of the Zoning By-law is being maintained as the reduction in parking can be supplemented by utilizing public transit. The variance is desirable for the development and minor in nature as no impacts are anticipated for the development or surrounding area due to the reduction in parking.

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

Variance 6

The applicant is requesting a variance to allow a minimum no on site manoeuvring space to be provided for the required parking space, notwithstanding the requirement that a minimum 6.0 metre manoeuvring space abutting and accessory to each required parking space shall be provided and maintained on the lot. The intent of this provision is to ensure adequate space is provided for a vehicle to enter and exit the space.

Staff are of the opinion that variance maintains the general intent of the By-law as the existing approximately 4.2 metres of boulevard between the lot line and edge of sidewalk is sufficient space to aide in the maneuvering of the vehicle. The variance is desirable for the development and minor in nature as no impacts are anticipated for the development or surrounding area due to the reduction in parking.

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

Recommendation:

Based on the preceding information, the variances do maintain the general intent and purpose of the West Harbour Setting Sail Secondary Plan and former City of Hamilton Zoning By-law No. 6593. The variances are considered to be minor in nature and desirable for the appropriate use of the property.

In conclusion, Staff recommends that variances be **approved.**

Zoning:

1. Required parking spaces for a Single-Family Dwelling is calculated at a rate of two (2) parking spaces for the first eight (8) habitable rooms, plus an additional 0.5 parking spaces for each additional habitable room in excess of eight (8). Based on the floor plans provided, two (2) parking spaces are required to be provided.
2. The Hamilton Zoning By-law 6593 states that eaves and gutters are permitted to project not more than one-half of the required width of the side yard, or 1.0m whichever is the lesser.
3. This is a corner lot. For zoning purposes, the lot line along Park Street North is considered the front lot line.
4. A building permit is required in the normal manner for the construction of the proposed Single-Family Dwelling.

Development Engineering:

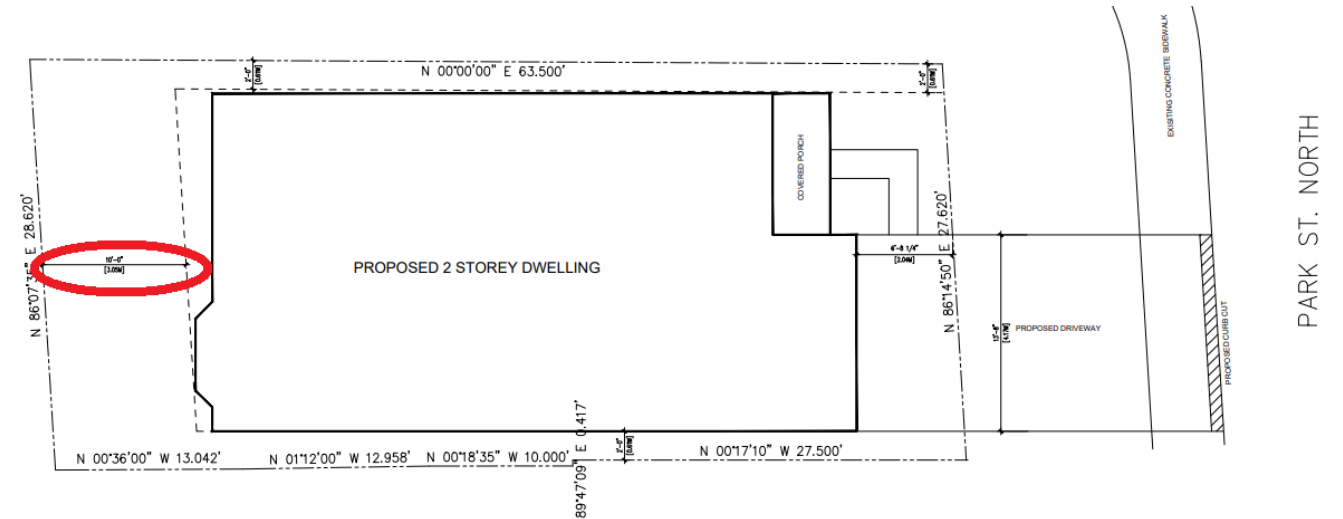
Development Approvals requires a minimum 0.9m side yard width to accommodate installation of a drainage swale. The proposed northerly side yard width of 0.6m does not satisfy this requirement. Therefore, we recommend that the minor variance **be denied.**

See attached for additional comments.



Adjacent City Owned Property PIN: 171600085

Real Estate Comments: Be advised there is a City owned alleyway adjacent to the subject property. The proposal is requesting a reduced setback from the alley. Real Estate is not in favour of reduced setbacks adjacent to City properties.



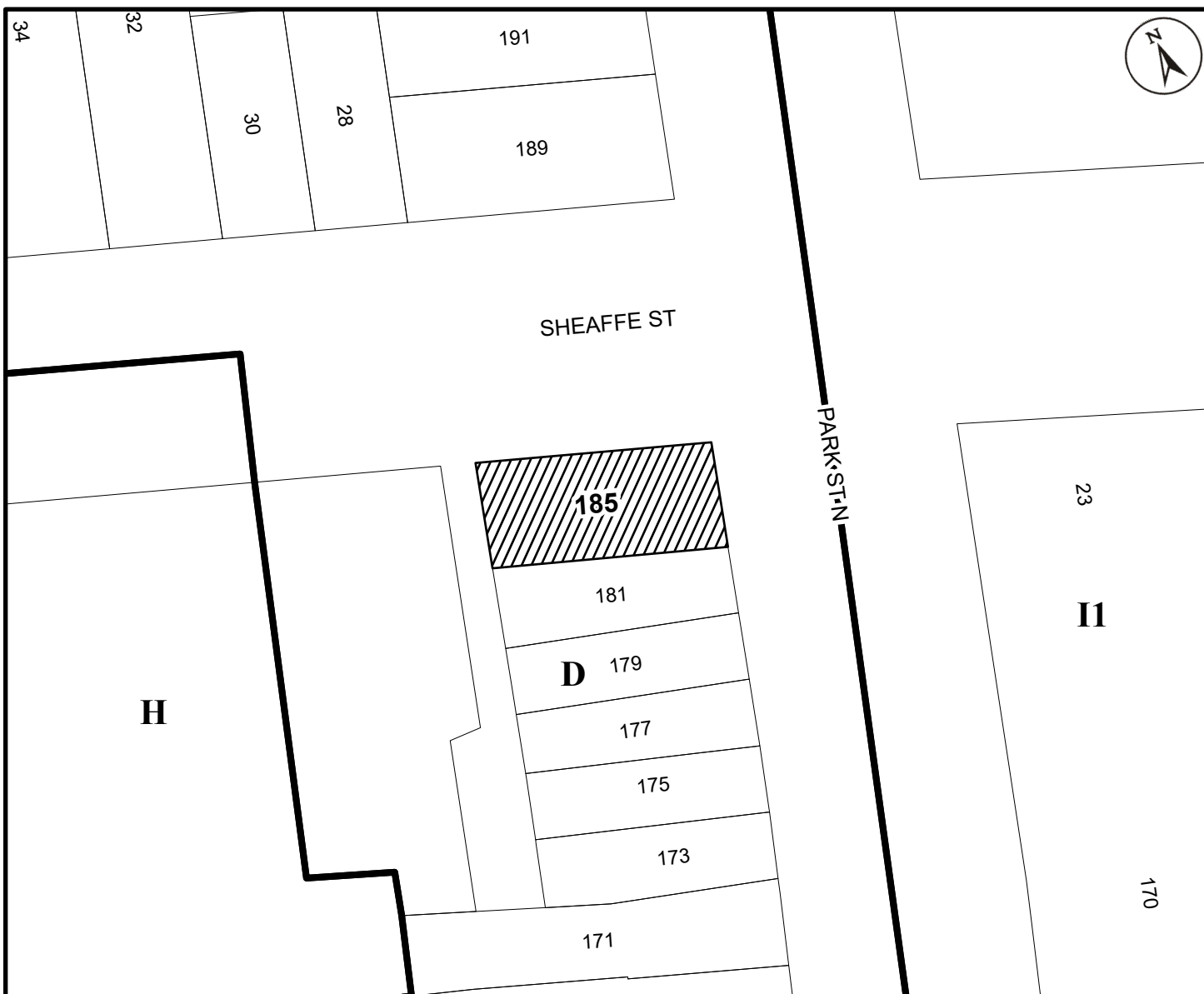
APPLICATION NO.:	HM/A-22:28	SUBJECT PROPERTY:	185 PARK ST N., HAMILTON
ZONE:	"D" (Urban Protected Residential – One and Two Family Dwellings, etc.)	ZONING BY-LAW:	Zoning By-law 6593, as Amended

APPLICANTS: Agent Kevin Webster Design Inc.
Owner M. Barbosa

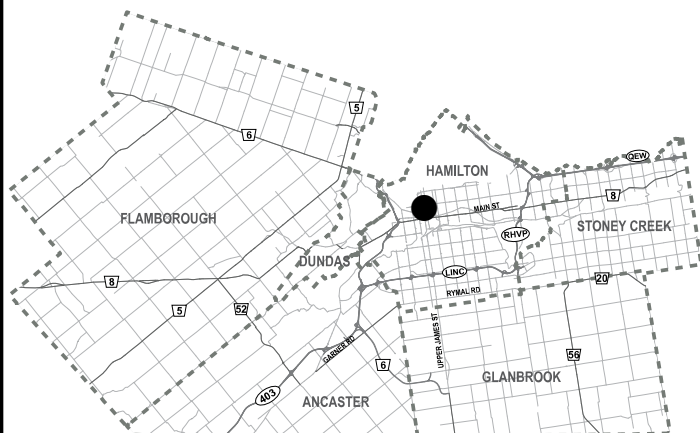
The following variances are requested:

1. A front yard depth of 0.0m shall be provided instead of the minimum required 6.0m front yard depth.
2. A northerly side yard width of 0.6m shall be provided instead of the minimum required 1.2m side yard width.
3. Eaves and gutter shall be permitted to project a maximum of 0.5m into the required northerly yard and may be as close as 0.1m to the northerly side lot line instead of the maximum 0.3m projection permitted.
4. A rear yard depth of 6.7m shall be provided instead of the minimum required 7.5m rear yard depth.
5. One (1) parking space shall be provided instead of the minimum required two (2) parking spaces.
6. No onsite manoeuvring shall be provided for the parking space instead of the minimum required 6.0m manoeuvring aisle width and the requirement that a manoeuvring space shall be provided and maintained on the lot.

PURPOSE & EFFECT: So as to permit the construction of a new two (2) storey Single Family Dwelling.



● Site Location



City of Hamilton

Committee of Adjustment

Subject Property



185 Park Street North, Hamilton
(Ward 2)

File Name/Number:

HM/A-22:28

Date:

February 17, 2022

Technician:

VS

Map Not To Scale

Appendix "A"



Hamilton

PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT

HM/A-22:162 – 242 Herkimer 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-22:162 – 242 Herkimer St., Hamilton

PLANNING and ECONOMIC DEVELOPMENT DEPARTMENT

Development Planning – Urban

Urban Hamilton Official Plan

The Urban Hamilton Official Plan designates the property as “Neighbourhoods” on Schedule E-1 in the Urban Hamilton Official Plan to which the use complies.

Former City of Hamilton Zoning By-Law No. 6593

The subject lands are zoned “D” (Urban Protected Residential – 1 & 2 Family Dwellings, etc.). Staff note that the existing use on the property is a legal non-conforming multiple dwelling.

Variance 1

1. A minimum of 1.7 metre front yard depth shall be provided, notwithstanding the required minimum front yard depth of 6.0 metres.

Recommendation

Staff have reviewed the application and have no concerns.

Zoning:

1. The notice should be altered to delete the number 1.7 and replace it with 1.6 m. The variance should read as follows:

A minimum of 1.6 m front yard depth shall be provided instead of the minimum required front yard depth of 6.0 m.

2. The notice should be altered to include in the notes the following:

Eaves or gutters may project into a required front yard not more than 1.5 m provided that no such projection shall be closer to a street line than 1.5 m. No details have been provided on the submitted drawings to determine compliance; therefore, if the eaves or gutters are closer than the minimum required 1.5 m then further variances shall be required.

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

Development Engineering:

Provided the existing drainage pattern is maintained, Development Approvals have no comments.

See attached for additional comments.

HM/A-22:162
242 Herkimer St., Hamilton



Adjacent City Owned Property PIN: 171340266

Real Estate Comments: Be advised there is a City owned alley to the rear of the subject property.

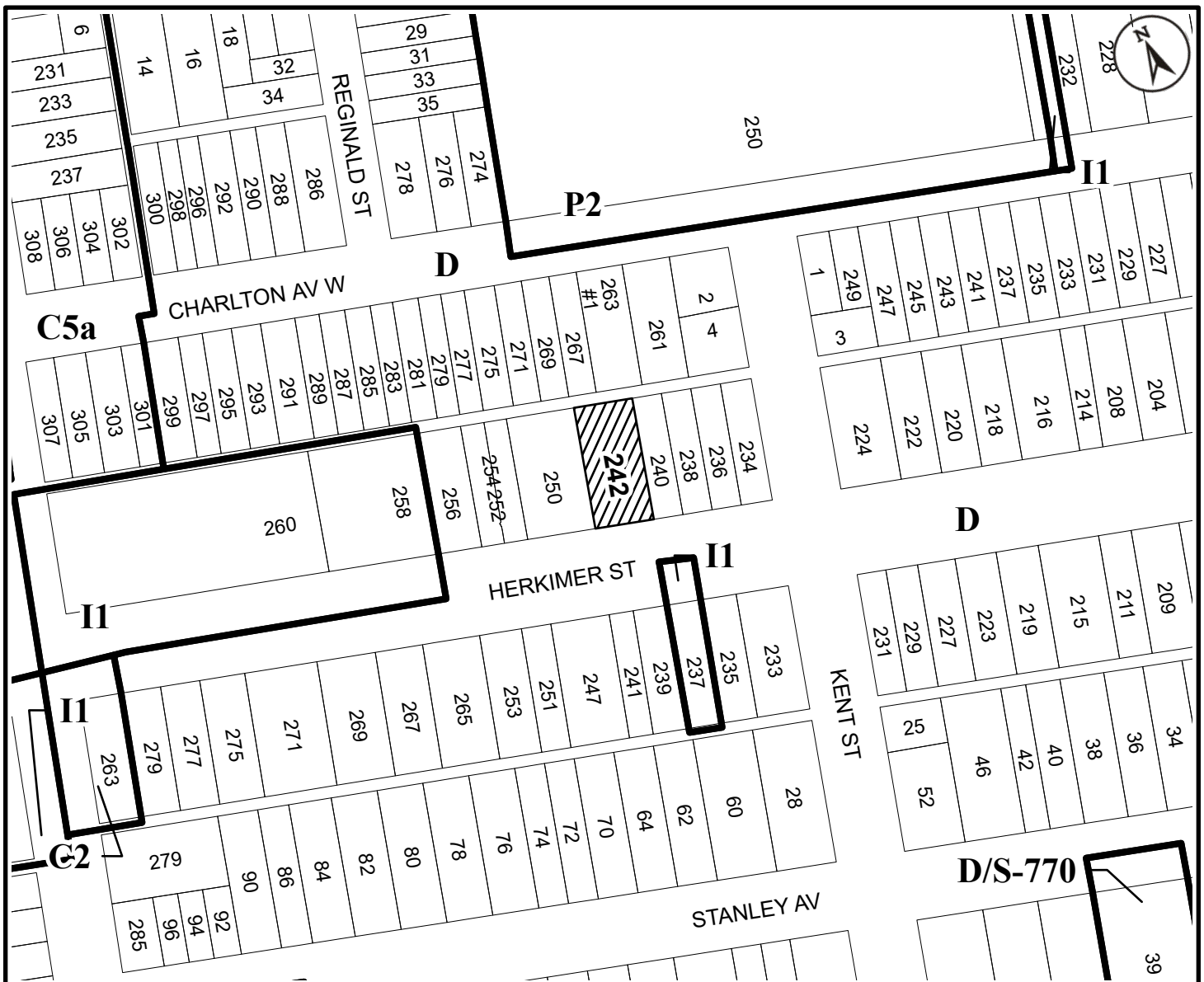
APPLICATION NO.:	HM/A-22:162	SUBJECT PROPERTY:	242 HERKIMER ST., HAMILTON
ZONE:	"D" (Urban Protected Residential – One and Two Family Dwellings)	ZONING BY-LAW:	Zoning By-law 6593, as Amended

APPLICANTS: Agent N Cubed – D. Nguyen
 Owner J. Nardi

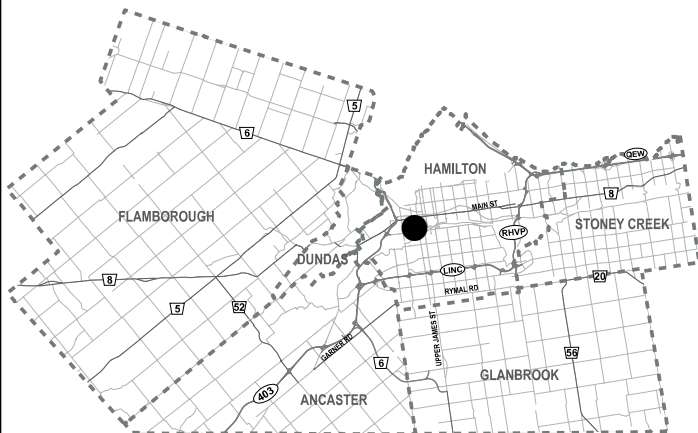
The following variances are requested:

1. A minimum of 1.7 m front yard depth shall be provided instead of the minimum required front yard depth of 6.0 m.

PURPOSE & EFFECT: To permit the existing front porch to be enclosed and used for habitable purposes for the residence occupying the dwelling located on the first floor of the existing legal non-conforming multiple dwelling notwithstanding a multiple dwelling is not permitted in the current zoning designation.



● Site Location



City of Hamilton

Committee of Adjustment

Subject Property



242 Herkimer Street, Hamilton
(Ward 1)

File Name/Number:

HM/A-22:162

Date:

June 16, 2022

Technician:

AL

Map Not To Scale

Appendix "A"



Hamilton

PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT

HM/B-22:41 – 74 Melbourne 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 grant the severance, an approval should be subject to the following condition(s):

1. The owner shall submit a deposited Ontario Land Surveyor's Reference Plan to the Committee of Adjustment Office, unless exempted by the Land Registrar. The reference plan must be submitted in pdf and also submitted in CAD format, drawn at true scale and location and tied to the City corporate coordinate system. (Committee of Adjustment Section)
2. The owner shall pay any outstanding realty taxes and/or all other charges owing to the City Treasurer. (Committee of Adjustment Section)
3. The owner submits to the Committee of Adjustment office an administration fee, payable to the City of Hamilton, to cover the costs of setting up a new tax account for each newly created lot. (Committee of Adjustment Section)
4. The owner shall comply with Ontario Building Code requirements regarding spatial separation distances of any structures. Compliance to be confirmed by the Planning and Economic Development Department (Building Division – Plan Examination Section).
5. 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 \$4,500.00 (2022 fee) to address issues including but not limited to: payment of any outstanding servicing costs assessed to the property, 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, , 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.

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

June 23rd, 2022

should be notified immediately (416-212-8886). In the event that human remains are encountered during construction, the proponent should immediately contact both MHSTCI and the Registrar or Deputy Registrar of the Cemeteries Regulation Unit of the Ministry of Government and Consumer Services (416-212-7499).”

HM/B-22:41 – 74 Melbourne St., Hamilton

PLANNING and ECONOMIC DEVELOPMENT DEPARTMENT

Development Planning – Urban

The purpose of this application is to permit the conveyance of a parcel of land for residential purposes. The proposed use is to be a semi-detached dwelling.

Urban Hamilton Official Plan

The subject property is designated “Neighbourhoods” within Schedule E-1 Land Use Designations within the Urban Hamilton Official Plan. Policies F.1.14.3.1 and E.3.4.3, amongst others, are applicable, and permit the proposed semi-detached dwelling. The severed and retained lands have frontage onto a public road and are fully serviced by municipal services. Staff are of the opinion that the proposed severed and retained lands will be consistent with the surrounding lot character of the neighbourhood.

Archeology

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

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

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

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

Cultural Heritage

The subject property, comprised of a detached dwelling and accessory structure, is located within the Kirkendall North Established Historical Neighborhood.

Accordingly, the following section of the Urban Hamilton Official Plan, Volume 1, applies:
3.4.3.6 “The City shall protect established historical neighbourhoods, as identified in the cultural heritage landscape inventory, secondary plans and other City initiatives, by ensuring that new construction and development are sympathetic and complementary to existing cultural heritage attributes of the neighbourhood, including lotting and street patterns, building setbacks and building mass, height, and materials.”

The applicant proposes to convey a parcel of land and to retain a parcel of land for residential purposes (semi-detached dwellings).

Staff have reviewed the application and would note that elevations have not been provided for the proposed semi-detached dwellings. Staff strongly encourage the use of compatible materials, such as brick, stone and wood, in the new construction to ensure minimal visual impact on the streetscape of the Kirkendall North Established Historical Neighborhood. Staff have no further comments on the application as circulated.

Recommendation:

In conclusion, Staff recommends that application be **approved**.

Zoning:

1. The applicant should obtain an appropriate municipal address for the proposed parcel(s) from the Growth Planning Section of the Planning and Economic Development Department prior to the issuance of a building permit.
2. In order to clear conditions, the applicant will be required to make application for Ontario Building Code compliance and pay the relevant fees.

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:

Information:

- 1) The existing municipal infrastructure fronting the subject properties is as follows:

Melbourne Street

- 525mmø Storm Sewer @ ±0.6%
- 300mmø Combined Sewer @ ±0.6%
- 150mmø Ductile Iron Watermain

2) The proponent will be required to provide separate independent sewer and water services to the severed and retained parcels.

Required Conditions:

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 \$4,500.00 (2022 fee) to address issues including but not limited to: payment of any outstanding servicing costs assessed to the property, 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, , 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.

Transportation Planning:

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

See attached for additional comments.



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

Hamilton

Forestry & Horticulture Section
Environmental Services Division
Public Works Department

Date: June 16, 2022

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: 74 Melbourne Street, Hamilton
File: HM/B-22:41

PREAMBLE

In response to your Agenda listing for the upcoming meeting on Thursday, June 23, 2022, regarding the above subject area under discussion, the Forestry & Horticulture Section has reviewed the submission associated with the Application for Consent/Land Severance for this site and provides the following opinion:

SCOPE

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

No Landscape plan required.

Forestry has no concerns or conditions regarding this application.

TREE MANAGEMENT

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

LANDSCAPE PLAN

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

SUMMARY

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

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

Regards,

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

Sam Brush
Urban Forest Health Technician

HM/B-22:41
74 Melbourne St., Hamilton



Adjacent City Owned Property PIN:171390275

Real Estate Comments: Be advised there is a City owned alley to the rear of the subject property.

APPLICATION NO.:	HM/B-22:41	SUBJECT PROPERTY:	74 MELBOURNE ST HAMILTON
------------------	------------	-------------------	--------------------------

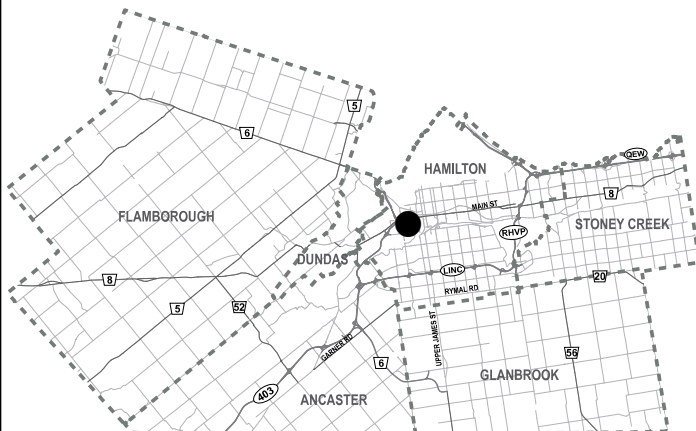
APPLICANTS: Owners M. & R. Posterero

PURPOSE & EFFECT: To permit the conveyance of a parcel of land and to retain a parcel of land for residential purposes (semi detached dwellings)

	Frontage	Depth	Area
SEVERED LANDS:	6.255 m [±]	42.623 m [±]	262.51 m ^{2±}
RETAINED LANDS:	5.867 m [±]	42.627 m [±]	264.67 m ^{2±}



● Site Location



City of Hamilton

Committee of Adjustment

Subject Property

74 Melbourne Street, Hamilton (Ward 1)



Lands to be Retained



Lands to be Severed

File Name/Number:

HM/B-22:41

Date:

June 16, 2022

Technician:

AL

Map Not To Scale

Appendix "A"



Hamilton

PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT

FL/B-20:46 – 13 Herbert Place, Flamborough

Consolidation Report

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

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

1. The owner shall submit a deposited Ontario Land Surveyor's Reference Plan to the Committee of Adjustment Office, unless exempted by the Land Registrar. The reference plan must be submitted in pdf and also submitted in CAD format, drawn at true scale and location and tied to the City corporate coordinate system. (Committee of Adjustment Section)
2. The owner shall pay any outstanding realty taxes and/or all other charges owing to the City Treasurer. (Committee of Adjustment Section)
3. The owner 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 submit survey evidence that the lands to be retained ("Part 1"), including the location of any existing structure, parking and landscaping conform to the requirements of the Zoning By-Law or alternatively apply for and receive final approval of any variances from the requirements of the Zoning By-Law as determined necessary by the Planning and Economic Development Department (Building Division – Zoning Section).
5. The owner shall submit survey evidence from a BCIN Qualified Designer (Part 8 Sewage System) or Professional Engineer that the existing septic system complies with the clearance requirements of Part 8 of the Ontario Building Code for the lands to be severed and or retained, to the satisfaction of the Planning and Economic Development Department (Building Division –Building Engineering Section).
6. Hamilton Water would require a Scoped Hydrogeological Report focusing on the applicant's private water supply, completed to the satisfaction of Director, Hamilton Water.
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).

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)."

12. That, the owner submits a Hydrogeological Report prepared by a qualified professional in support of the proposed severance to the satisfaction of City's Source Protection Section.
13. 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 \$4,500.00 (2022 fee) to address issues including but not limited to: 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, , stormwater management infrastructure and securities for items that may include: lot grading (\$10,000.00 grading security), driveway approaches, and any damage during construction (unknown costs at this time). Cash payments mentioned above are subject to change. The subject land is in an area of cost recoveries that must be paid in full as part of the Consent Agreement, all to satisfaction of the Manager of 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 13 Herbert Place (Flamborough) and the lands to be conveyed (Part 2) will be assigned the address of 11 Hauser Place (Flamborough).

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. (Forestry Section)

FL/B-20:46 – 13 Herbert Place, Flamborough

PLANNING and ECONOMIC DEVELOPMENT DEPARTMENT

Development Planning – Rural

Severed lands:

44.35 m± x 92.7m± and an area of 0.85 ha.

Retained lands:

40.76m± x 92.7m± and an area of 4425.5m2 ±

Background

A Consent application (FL/B-03:16) to sever the subject property was previously heard by the Committee of Adjustment and was approved with conditions. The applicant could not clear all of the conditions in time, so that application lapsed. A new application to sever the property (FL/B-20:46) was heard at the October 1st, 2020 Committee of Adjustment meeting and was tabled to address concerns with the Applicant's hydrogeological report from Source Water protection staff.

Greenbelt Plan

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

The proposed severance conforms to the Greenbelt Plan.

Rural Hamilton Official Plan

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

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

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

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

- F.1.14.2.4 Within designated Rural Settlement Areas, all proposed severances that create a new lot and proposed lot additions shall:
- a) comply with the policies of this Plan including a rural settlement area plan where one exists;
 - b) be compatible with and not hinder surrounding agricultural operations;
 - c) conform to the Zoning By-law;
 - d) be permitted only when both severed and retained lots have frontage on a public road;
 - e) meet Minimum Distance Separation requirements; and,
 - f) meet the requirements of Section C.5.1, Private Water and Wastewater Services

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

With respect to the Rural Hamilton Official Plan private water and wastewater policies, planning staff defer to source water protection staff on whether the proposed lot has adequate services. Planning staff are satisfied that the application conforms other applicable lot creation policies of the Rural Hamilton Official Plan.

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

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

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

Archaeology

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

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

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 require that the Committee of Adjustment attach the following condition to the application:

“Condition: 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).

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).”

Source Water Protection

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

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

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

At present, issues related to advanced treatment units primarily relates to uncertainty over their long-term performance of treating septic system pollution, and the legal enforcement associated with this performance. Another limitation the City has identified relates to Planning approvals in that, if these advanced systems are proposed to justify a development on an undersized lot, any landowner who later decides to replace an advanced treatment unit with a conventional sewage disposal system could then easily exceed the capacity of the lot to sustainably manage this wastewater effluent and its associated pollutants. The City would not have any ability to prevent this if the new system met Ontario Building Code requirements for a conventional system as private monitoring agreements cannot supersede applicable law. This would result in increased public health and water quality risks. Collectively, a specific septic system technology cannot be tied to a property in perpetuity. The best approach to reduce these risks is to ensure, at the application stage, that the proposed lot can accommodate all septic system pollution within its property limits regardless of the proposed technology.

Recommendation

Denial.

Conditions

If for any reason Committee decides to grant approval, Hamilton Water would require a Scoped Hydrogeological Report focusing on the applicant's private water supply, completed to the satisfaction of Director, Hamilton Water.

Recommendation

Based on the above, the proposed severance does not comply with Source Water Protection sustainable servicing policies Chapter C.5.1 of the Rural Hamilton Official Plan, therefore it does not meet the intent of the Rural Hamilton Official Plan and is not minor in nature, staff recommend that the severance be **denied**.

CONDITIONS (if approved):

1. to the satisfaction of the Manager of Heritage & Urban Design, the following is required:

“Condition: 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).

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).”

2. If for any reason Committee decides to grant approval, Hamilton Water would require a Scoped Hydrogeological Report focusing on the applicant’s private water supply, completed to the satisfaction of Director, Hamilton Water.

Zoning:

1. The applicant should obtain an appropriate municipal address for the proposed parcel(s) from the Growth Planning Section of the Planning and Economic Development Department prior to the issuance of a building permit.
2. No dimensions for the existing accessory structure (“shed”) on the lands to be retained (“Part 1”) have been shown on the submitted survey; therefore, this Division cannot confirm zoning compliance.

3. Specific details regarding parking on the lands to be retained has not been indicated; therefore, this Division cannot confirm zoning compliance.
4. Specific details regarding the development of the portion of the lands to be conveyed ("Part 2") have not been provided to confirm zoning compliance. It is noted that the use of a Single Detached Dwelling is indicated to be proposed, which is permitted in the current "S1" Zone.
5. In order to clear conditions, the applicant will be required to make an application for a Zoning Compliance Review and pay the relevant fees.
6. The applicant, as a condition of approval, shall be required to provide evidence from a qualified professional that the existing septic system will be in compliance with The Ontario Building Code with respect to its location to the new property lines. The septic system shall be located entirely within the lands to be conveyed/retained or the lot lines shall be reconfigured to accommodate the existing septic system. A septic system is not permitted to be located on adjacent lands.

CONDITIONAL UPON:

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

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

Development Engineering:

Information:

1. The severed and retained portion of the property are going to be serviced by a private water well and septic system. Therefore, the proponent should submit a Hydrogeological Report prepared by a qualified professional in support of the proposed severance.

Recommendations:

1. That, the owner submits a Hydrogeological Report prepared by a qualified professional in support of the proposed severance to the satisfaction of City's Source Protection Section.
2. 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 \$4,500.00 (2022 fee) to address issues including but not limited to: 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, , stormwater management infrastructure and securities for items that may include: lot grading (\$10,000.00 grading security), driveway approaches, and any damage during construction (unknown costs at this time). Cash payments mentioned above are subject to change. The subject land is in an area of cost recoveries that must be paid in full as part of the Consent Agreement, all to satisfaction of the Manager of Engineering Approvals Section.

Source Protection Planning:

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

To date, the applicant has completed some tasks required to satisfy the City's Guidelines for Hydrogeological Studies and Technical Standards for Private Services. However, the key deficiency in their submission to date is that their Water Quality Impact Risk Assessment for the proposed private sewage disposal system does not conform with the guidelines and as a result is incomplete. This assessment and associated calculations are a key component in arriving at the recommended minimum lot size for a single-family dwelling, to ensure that septic system pollution will be below the Ontario Drinking Water Quality Standard of nitrate (10 mg/L) at the property boundary to promote safe drinking water for groundwater users nearby. Based on the City's Guidelines for Hydrogeological Studies and Technical Standards for Private Services, nitrate concentrations are predicted to be at least 14 mg/L, notably exceeding the drinking water quality standard. In order to reduce septic system pollution, the applicant has proposed the use of a "tertiary" treatment sewage system which aims to reduce nitrate pollution in the final effluent. The advance treatment systems are considered under the Ontario Building Code for certain parameters only (namely Total Suspended Solids and carbonaceous biological

oxygen demand). Nitrate is not a recognized parameter in Table 8.6.2.2.A of the Ontario Building Code and therefore the ability of the system to consistently reduce nitrates has no regulatory context. It is the position of Building Division and the City of Hamilton Chief Building Official that they can not enforce parameters that are not part of Table 8.6.2.2.A. Furthermore, The City of Hamilton has limited regulatory ability to enforce performance of the system for parameters outside the OBC.

At present, issues related to advanced treatment units primarily relates to uncertainty over their long-term performance of treating septic system pollution, and the legal enforcement associated with this performance. Another limitation the City has identified relates to Planning approvals in that, if these advanced systems are proposed to justify a development on an undersized lot, any landowner who later decides to replace an advanced treatment unit with a conventional sewage disposal system could then easily exceed the capacity of the lot to sustainably manage this wastewater effluent and its associated pollutants. The City would not have any ability to prevent this if the new system met Ontario Building Code requirements for a conventional system as private monitoring agreements cannot supersede applicable law. This would result in increased public health and water quality risks. Collectively, a specific septic system technology cannot be tied to a property in perpetuity. The best approach to reduce these risks is to ensure, at the application stage, that the proposed lot can accommodate all septic system pollution within its property limits regardless of the proposed technology.

Recommendation

Denial.

Conditions:

If for any reason Committee decides to grant approval, Hamilton Water would require a Scoped Hydrogeological Report focusing on the applicant's private water supply, completed to the satisfaction of Director, Hamilton Water.

Growth Management:

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

Transportation Planning:

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

See attached for additional comments.



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

Hamilton

Forestry & Horticulture Section
Environmental Services Division
Public Works Department

Date: June 17, 2022

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

From: Sam Brush – Urban Forestry Health Technician

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

PREAMBLE

In response to your Agenda listing for the upcoming meeting on Thursday, June 23, 2022, regarding the above subject area under discussion, the Forestry & Horticulture Section has reviewed the submission associated with the Application for Consent/Land Severance for this site and provides the following opinion:

SCOPE

There are municipal tree assets on site although it is determined that they are insignificant and shall be removed without the requirement of a tree management plan.

Note: Prior to a person performing any work on, in or around a city tree a public tree permit is required, for additional information please contact urbanforest@hamilton.ca.

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

From: [Cathy Plosz](#)
To: [Committee of adjustment](#)
Cc: [Evans, Morgan](#)
Subject: Committee of Adjustment (June 23 Agenda)
Date: Tuesday, June 21, 2022 11:41:28 AM
Attachments: [image001.png](#)

Hi Morgan,

I apologize for being late with HCA's comments for this agenda. I have provided brief comments below.

HM/B-22:40 – 289 Stone Church Road East, Hamilton. The owner proposes to sever a 3.41 ha property which is currently vacant for future development. The property is not currently regulated by HCA. However, the proposed severed lands contain a Core Area (Significant Woodland) identified by the City of Hamilton in its Natural Heritage System in the Urban Hamilton Official Plan (UHOP). Karst features have also been observed in the surrounding area. Therefore, any proposed future development may require environmental studies, including an Environmental Impact Statement (EIS) and a karst assessment. However, HCA has no objection to the proposed severance.

HM/A-22:166 - 1411-1415 Upper Wellington – The proposed variance is to permit the lands at 261 Stone Church Road East to use 15 parking spaces and accessory uses proposed at 1411 and 1415 Upper Wellington Street. HCA has previously provided comments on the site plan (DA-22-040) and will continue to address concerns through this process. Therefore, HCA has no objection to the proposed variance.

FL/B-20:46 - 13 Herbert Place, Flamborough –The applicant proposes to sever the property into two residential lots. Part 1 retained lands are 4,425.5 m² (existing home) and Part 2 severed lands are 0.85 ha (vacant). This property was the subject of two previous severance applications (FL/B-09:23 and FL/B-03:46). HCA understands that the previous application was approved with conditions but the application has lapsed. The property does not contain any natural hazard lands or natural heritage features and is not affected by the Hamilton Conservation Authority's Development, Interference with Wetlands, and Alterations to Shorelines and Watercourses Regulation 161/06. Therefore, future development on the severed parcel will not require a permit from HCA. HCA has no objection to the proposed severance.

SC/A-22:174 - 68 Seabreeze Crescent, Stoney Creek. The property is affected by HCA's Development, Interference with Wetlands, and Alteration to Shorelines and Watercourses Regulation 161/06 made under the Conservation Authorities Act, R.S. O. 1990 due to flood and erosion hazards associated with the Lake Ontario shoreline. According to Provincial and HCA natural hazards policy, any future house construction must be outside of these hazards. The applicant has previously submitted a Permit application to HCA, and was advised that a shoreline erosion setback of 24.6 metres is required and that HCA policy also requires a 6 metre side yard access to allow future access to the shore wall for maintenance. The plan is now showing a 26.18 m shoreline erosion setback and a 4.5 metre erosion access allowance for maintenance of the shore wall. HCA is generally satisfied with the proposed plan. A permit from HCA will be required prior to any proposed development or site alteration.

If you have any questions about these comments, please let me know. Since the comments are relatively brief, and HCA concerns are being addressed through other planning processes, review fees are not required.

Cathy Plosz, M.Sc., MCIP, RPP

Senior Planner, Watershed Management Services

Hamilton Conservation Authority

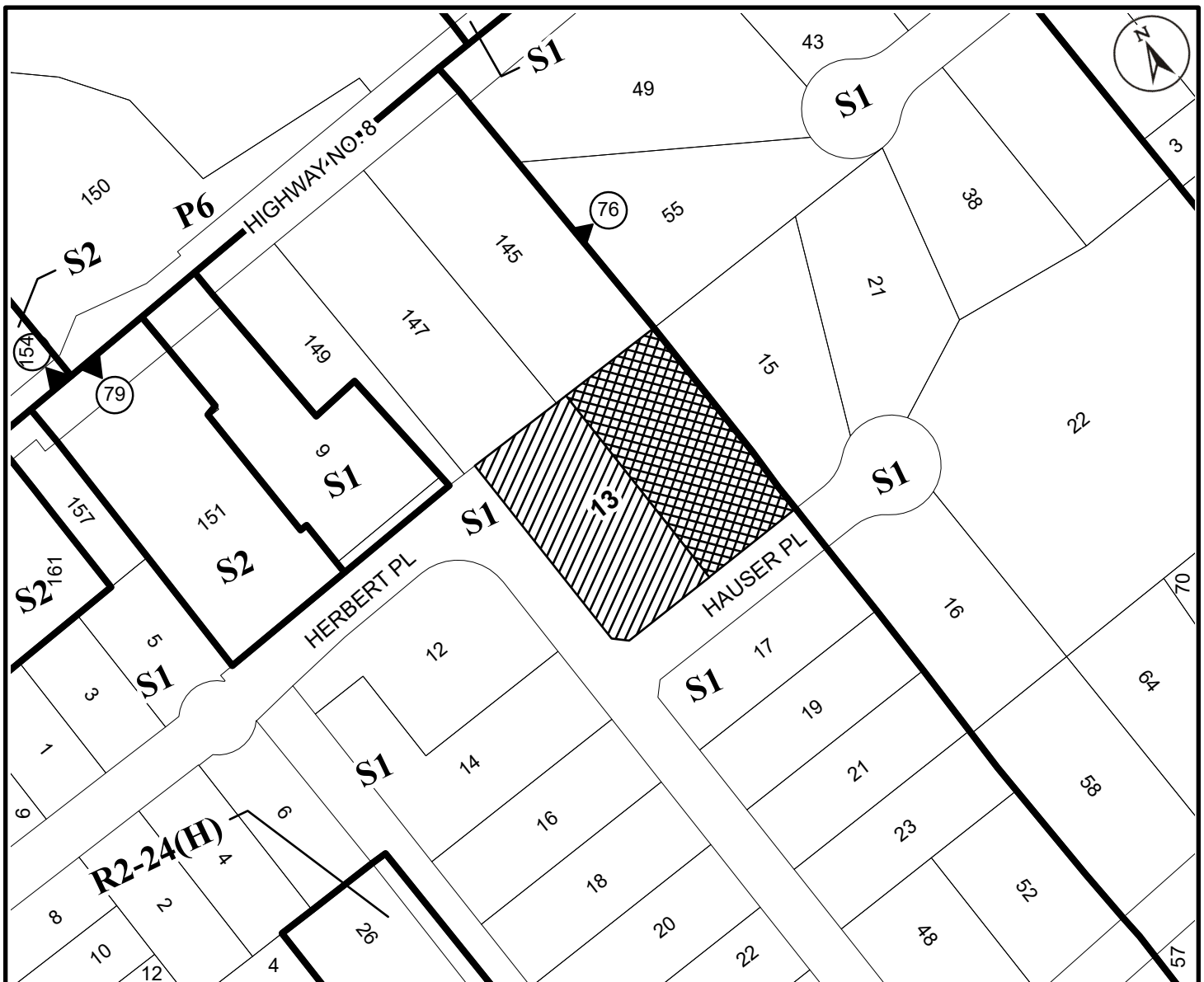
838 Mineral Springs Road, P.O. Box 81067

Ancaster, ON L9G 4X1

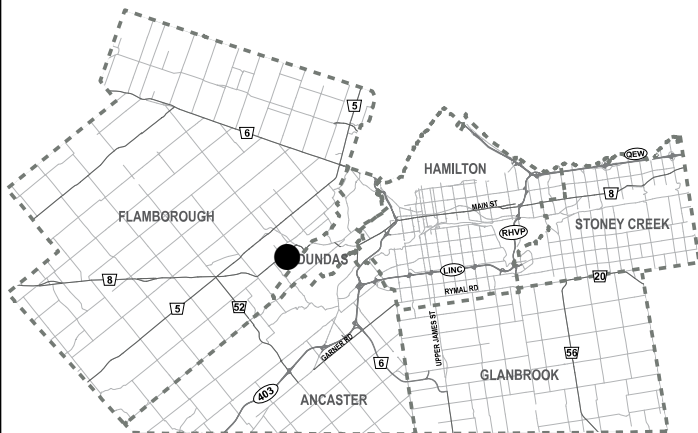
Phone 905-525-2181 Ext. 132

Email cathy.plosz@conservationhamilton.ca





● Site Location



City of Hamilton

Committee of Adjustment

Subject Property

13 Herbert Place, Flamborough (Ward 13)



Lands to be Retained



Lands to be Severed

File Name/Number:

FL/B-20:46

Date:

September 21, 2020

Technician:

AL

Map Not To Scale

Appendix "A"



Hamilton

PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT

FL/A-22:164 – 667 Harvest Rd., Flamborough

Consolidation Report

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

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

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

FL/A-22:164 – 667 Harvest Rd., Flamborough

PLANNING and ECONOMIC DEVELOPMENT DEPARTMENT

Development Planning – Rural

The Planning Act

Subsection 45(2)(a)(i) of the Planning Act gives the Committee of Adjustment the authority to permit:

“the enlargement or extension of the building or structure, if the use that was made of the building or structure on the day the by-law was passed, or a use permitted under subclause (ii) continued until the date of the application to the committee, but no permission may be given to enlarge or extend the building or structure beyond the limits of the land owned and used in connection therewith on the day the by-law was passed.”

Rural Hamilton Official Plan

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

Greensville Rural Settlement Area Plan

The subject lands are within the Greensville Rural Settlement Area Plan and are designated “Settlement Residential” on Volume 2: Map 8a to which the use complies.

Hamilton Zoning By-law No. 05-200

The lands are zoned Settlement Residential (S1) Zone. The current use of the property of one residential unit within the coach house and four (4) dwelling units within the detached dwelling is not permitted within this zone; however, zoning staff have determined that the use is legal non-conforming.

Archaeology

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

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

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 approved, the proponent must be advised by the Committee of Adjustment as follows:

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

Building Containing Four (4) Dwelling Units:

Variance 1 (Deck)

The applicant is seeking a variance for the construction of a new 64.0 square metre deck shall be permitted whereas the by-law prohibits the expansion of a legally established non-conforming use.

Staff consider this variance minor in nature, will not further entrench the legal non-conforming use and is desirable for the appropriate use of the subject lands, staff recommend the variance be **approved**.

Variance 2 (Balcony)

The applicant is seeking a variance for the construction of a new 33.5 square metre balcony with associated exterior staircase shall be permitted whereas the by-law prohibits the expansion of a legally established non-conforming use.

Staff consider this variance minor in nature, will not further entrench the legal non-conforming use and is desirable for the appropriate use of the subject lands, staff recommend the variance be **approved**.

Building Containing One (1) Dwelling Unit (Coach House):

Variance 1 (Porch)

The applicant is seeking a variance for the construction of a new 14 square metre roofed over porch shall be permitted whereas the by-law prohibits the expansion of a legally established non-conforming use.

Staff consider this variance minor in nature, will not further entrench the legal non-conforming use and is desirable for the appropriate use of the subject lands, staff recommend the variance be **approved**.

Variance 2 (Deck)

The applicant is seeking a variance for the construction of a new 9.5 square metre deck/porch shall be permitted whereas the by-law prohibits the expansion of a legally established non-conforming use.

Staff consider this variance minor in nature, will not further entrench the legal non-conforming use and is desirable for the appropriate use of the subject lands, staff recommend the variance be **approved**.

Recommendation

Having regard for the matters under subsection 45(2)(a)(i) of the *Planning Act*, Staff recommend that the variances be **approved**, the requested variances maintain the general intent and purpose of the Rural Hamilton Official Plan and the Hamilton Zoning By-law and is minor in nature. The variance is desirable for the appropriate use of the property.

Zoning:

1. A portion of the proposed 64.0sqm deck is intended to be roofed over by way of the proposed balcony above.
2. A building is required in the normal manner for the proposed construction.
3. Order to Comply #21-162396 (construction of covered entry and attached roof extension at rear of coach house), dated November 24, 2021 remains outstanding.
4. Building Permit #21-155652, issued on March 21, 2022, (interior renovations) remains not finalized.
5. Building Permit #21-157479, issued on November 9, 2021, (to construct pool enclosure) remains not finalized.
6. 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 culturalheritageplanning@hamilton.ca for further information.

Development Engineering:

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

See attached for additional comments.

FL/A-22:169 – 33 Taylor Crescent, 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 archaeological resources are encountered, the proponent may be required to conduct an archaeological assessment prior to further impact in order to address these concerns and mitigate, through preservation or resource removal and documentation, adverse impacts to any significant archaeological resources found. Mitigation, by an Ontario-licensed archaeologist, may include the monitoring of any mechanical excavation arising from this project. If archaeological resources are identified on-site, further Stage 3 Site-specific Assessment and Stage 4 Mitigation of Development Impacts may be required as determined by the Ontario Ministry of Heritage, Sport, Tourism and Culture Industries (MHSTCI). All archaeological reports shall be submitted to the City of Hamilton for approval concurrent with their submission to the MHSTCI.

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

FL/A-22:169 – 33 Taylor Crescent, Flamborough

PLANNING and ECONOMIC DEVELOPMENT DEPARTMENT

Development Planning – Rural

Rural Hamilton Official Plan

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

Greenville Rural Settlement Area Plan

The subject lands are within the Greenville Rural Settlement Area Plan and are designated “Settlement Residential” on Volume 2: Map 8a to which the use complies.

Hamilton Zoning By-law No. 05-200

The lands are zoned Settlement Residential “S1” Zone, to which the proposed use complies.

Archaeology

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

- 1) In an area of sandy soil in areas of clay or stone; 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 archaeological resources are encountered, the proponent may be required to conduct an archaeological assessment prior to further impact in order to address these concerns and mitigate, through preservation or resource removal and documentation, adverse impacts to any significant archaeological resources found. Mitigation, by an Ontario-licensed archaeologist, may include the monitoring of any mechanical excavation arising from this project. If archaeological resources are identified on-site, further Stage 3 Site-specific Assessment and Stage 4 Mitigation of Development

Impacts may be required as determined by the Ontario Ministry of Heritage, Sport, Tourism and Culture Industries (MHSTCI). All archaeological reports shall be submitted to the City of Hamilton for approval concurrent with their submission to the MHSTCI.

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

Variance 1 (Accessory Structure Gross Floor Area)

The applicant is seeking a variance to allow for a maximum gross floor area of 60.5m² shall be permitted for all accessory buildings whereas the zoning by-law states that the aggregate Gross Floor Area of all accessory buildings shall not exceed 45.0m² or 7.5% total lot coverage whichever is the lesser.

Staff note that the lot coverage of the accessory structures would total to 4%. Staff consider this variance minor in nature and is desirable for the appropriate use of the subject lands, staff recommend the variance be **approved**.

Recommendation:

Based on the preceding information, the requested variance maintains the general intent and purpose of the Rural Hamilton Official Plan, City of Hamilton Zoning By-law No. 05-200. The variance is minor in nature and desirable for the appropriate use of the property. In conclusion, Staff recommends that the application be **approved**.

Zoning:

1. A building permit is required for the construction of the proposed accessory building (private garage).
2. The applicant shall ensure that an eave or gutter shall encroach a maximum of 0.45m into a required yard. Otherwise, further variances shall be required.
3. The applicant shall ensure that a minimum setback of 1.0m is maintained from both the rear lot line and the side lot line for the storage shed shown at the rear of the property. Otherwise, further variances shall be required.
4. No elevation plans were provided; therefore, the applicant shall ensure that the maximum permitted 4.5m building height is not exceeded. Otherwise, further variances shall be required.
5. Please note that rooftop amenity areas are prohibited on all accessory buildings.

6. The applicant shall ensure that the driveway shall maintain a minimum width of 3.0m but shall not exceed a width of 8.0m or 50.0% of the lot width whichever is the lesser. No details were provided to confirm compliance.
7. The zoning By-law requires a minimum parking space size of 2.8m x 5.8m. Details on the parking space size are not shown. No details were provided to confirm compliance.
8. Please note that Major Recreational equipment (i.e. boats) may be parked on a driveway wholly inside the lot line between May 1st and October 31st in each year. Otherwise, it may be stored in a side yard or rear yard provided it is screened with a visual barrier in accordance with Section 4.19 and shall maintain a minimum setback of 1.2m from a side lot line.

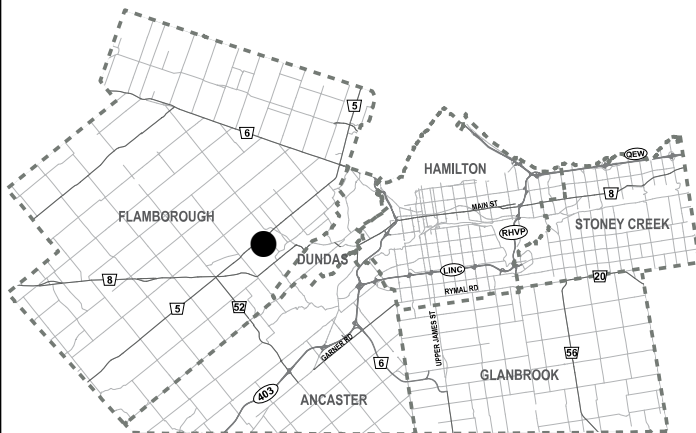
Development Engineering:

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

See attached for additional comments.



● Site Location



City of Hamilton

Committee of Adjustment

Subject Property



33 Taylor Crescent, Flamborough
(Ward 13)

File Name/Number:

FL/A-22:169

Date:

June 16, 2022

Technician:

AL

Map Not To Scale

Appendix "A"



Hamilton

PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT

DN/A-22:171 – 92 Melville St., Dundas

Consolidation Report

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

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

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

1. That the variances approved shall be generally in keeping with “*Dicenso Residence_Drawing Package (revision date 05/30/22)*”, to the satisfaction of the Manager of Development Planning.
2. That the applicant provide clarification to the satisfaction and approval of the Manager of Heritage and Urban Design regarding the retention or removal of the chimney and the retention or replacement of the side porch columns.

DN/A-22:171 – 92 Melville St., Dundas

PLANNING and ECONOMIC DEVELOPMENT DEPARTMENT

Development Planning – Rural

Urban Hamilton Official Plan

The Urban Hamilton Official Plan designates the property as “Neighbourhoods” in Schedule E-1 – Urban Land Use Designations, to which the use is permitted.

Dundas Zoning By-law No. 3581-86

The lands are zoned Low Density Residential “R4” Zone, to which the proposed use complies.

Archaeology

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

- 1) In an area of sandy soil in areas of clay or stone; and,
- 2) In areas of pioneer EuroCanadian settlement.

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

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

Built Heritage

The subject property comprises a circa 1845 single-storey dwelling and is included in the City’s Inventory of Heritage Properties. In addition, it is within the Sydenham Established Historical Neighborhood and is adjacent to two Part IV Designated

properties, 133-139 Park Street West (Doctor's Office / Dundas Historical Society Museum) and 73 Melville Street (Dundas Central Public School). The property is also located within an active inventory area, the Downtown Dundas Built Heritage Inventory.

The City recognizes there may be cultural heritage properties that are not yet identified or included in the Register of Property of Cultural Heritage Value or Interest nor designated under the *Ontario Heritage Act*, but still may be of cultural heritage interest. These may be properties that have yet to be surveyed, or otherwise identified, or their significance and cultural heritage value has not been comprehensively evaluated but are still worthy of conservation.

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

Accordingly, the following sections of the Urban Hamilton Official Plan, Volume 1, apply:

B.3.4.1.3 “Ensure that all new *development, site alterations*, building alterations, and additions are contextually appropriate and maintain the integrity of all on-site or *adjacent cultural heritage resources*.”

B.3.4.2.1(g) “Ensure the conservation and protection of *cultural heritage resources* in planning and development matters subject to the *Planning Act* either through appropriate planning and design measures or as conditions of development approvals.” and,

3.4.3.6 “The City shall protect established historical neighbourhoods, as identified in the cultural heritage landscape inventory, secondary plans and other City initiatives, by ensuring that new construction and development are sympathetic and complementary to existing cultural heritage attributes of the neighbourhood, including lotting and street patterns, building setbacks and building mass, height, and materials.”

The applicant proposes to construct a rear (southerly) addition and re-construction of a roofed-over unenclosed one-storey front porch at the first storey onto an existing single detached dwelling, and construction of a detached carport.

Staff have reviewed the subject application and are generally in support of the proposed alterations. Staff would like to clarify whether the existing chimney in the left side elevation is proposed to be removed or is simply missing from the elevations, and whether the existing columns in the side porch (left elevation) are to be replaced. Retention rather than replacement of built heritage features is strongly encouraged. Where alterations are to occur, staff strongly encourage the use of compatible materials, such as brick, wood and traditional stucco, in the new construction to ensure minimal visual impact on the built heritage resource as well as the streetscape and adjacent cultural heritage resources. Staff have no further comments on the application as circulated.

Variance 1 (Front Yard Setback)

The applicant is seeking a variance for a minimum front yard of 3.0m shall be permitted instead of the minimum required front yard of 6.0m.

Staff note that there are garages with similar setbacks within the neighbourhood. Staff consider the variance to maintain the intent of the Urban Hamilton Official Plan and Zoning By-law, staff are satisfied with the variance.

Variance 2 (Rear Yard Setback)

The applicant is seeking a variance for a minimum rear yard of 2.7m shall be permitted instead of the minimum required rear yard of 7.5m.

Staff note that the existing house on site has a similar setback and is inkeeping with the existing character of the neighbourhood. Staff consider the variance to maintain the intent of the Urban Hamilton Official Plan and Zoning By-law, staff are satisfied with the variance.

Variance 3 (Manoeuvring Area)

The applicant is seeking a variance for no onsite manoeuvring shall be provided for the parking space located in the carport instead of the minimum required 6.0m manoeuvring aisle width and the requirement parking spaces shall be manoeuvred entirely within the bounds of the parking areas within which such spaces are located.

Staff note that there are existing driveways within the neighbourhood with a similar on site manoeuvring area. Staff consider the variance to maintain the intent of the Urban Hamilton Official Plan and Zoning By-law, staff are satisfied with the variance.

Variance 4 (Accessory Structure Rear Yard Setback)

The applicant is seeking a variance for a minimum rear yard of 1.8m shall be permitted for the detached carport instead of the required rear yard of 2.0m for an accessory building or structure.

Staff note that there are garages with similar setbacks within the neighbourhood and is inkeeping with the existing character. Staff consider the variance to maintain the intent of the Urban Hamilton Official Plan and Zoning By-law, staff are satisfied with the variance.

Recommendation

Based on the preceding information, the requested variances maintain the intent and purpose of the Urban Hamilton Official Plan and the Glanbrook Zoning By-law. The variance is desirable for the appropriate use of the property. In conclusion, Staff recommends that the application be **approved**.

CONDITIONS (if approved):

3. That the variances approved shall be generally in keeping with “*Dicenso Residence_Drawing Package (revision date 05/30/22)*”, to the satisfaction of the Manager of Development Planning.
4. That the applicant provide clarification to the satisfaction and approval of the Manager of Heritage and Urban Design regarding the retention or removal of the chimney and the retention or replacement of the side porch columns.

Zoning:

1. This is a corner lot. As the lot line along Melville Street is the shorter street line, this is deemed to be the front lot line. As such, the southerly side lot line is the rear lot line and the easterly lot line (abutting Albert Street) and westerly lot line are side lot lines.
2. 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 culturalheritageplanning@hamilton.ca for further information.
3. Be advised that Ontario Building Code regulations may require specific setback and construction types.
4. Building Permit # 22-105707, issued on March 2, 2022, (Alteration to the interior of the single-family dwelling, as well as the addition of a roof lighting feature) remains not finalized.
5. A building permit is required for construction of the proposed addition, carport and front porch.

Development Engineering:

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

See attached for additional comments.

June 14, 2022

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

Attention: Committee of Adjustment

File# DN/A-22:171

Re: 92 Melville St

In response to your correspondence dated June 7, 2022, please be advised that our Engineering Design Department has reviewed the information concerning the above noted Consent Application and our comments are as follows:

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

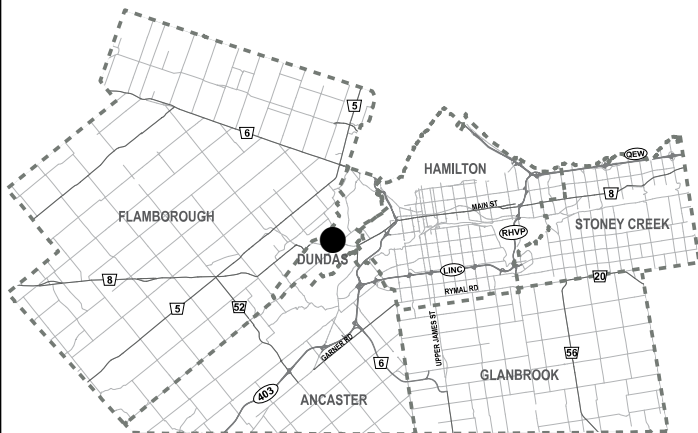
Sincerely,

Mark Jakubowski

Mark Jakubowski
Supervisor, Design, Customer Capital



● Site Location



City of Hamilton

Committee of Adjustment

Subject Property



92 Melville Street, Dundas (Ward 13)

File Name/Number:

DN/A-22:171

Date:

June 16, 2022

Technician:

AL

Map Not To Scale

Appendix "A"



Hamilton

PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT