

HM/A-22:207 – 50 Young St., Hamilton

Consolidation Report

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

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

Notes:

“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-22:207 – 50 Young St., Hamilton

PLANNING and ECONOMIC DEVELOPMENT DEPARTMENT

Development Planning – Urban

The purpose of this application is to enclose at-grade areas and alterations within existing areas of three (3) of the existing four (4) multiple dwelling buildings (known municipally as 43 and 57 Forest Avenue and 50 Young Street) to add twenty-eight (28) dwelling units for a total of four hundred and fifty-one (451) dwelling units in all four (4) buildings. This application was previously tabled on July 28th as per staffs recommendation to table due to the application being premature. Staff have since performed a site visit with the applicant and are of the opinion that the proposed work will be able to be waived from Site Plan Control.

Urban Hamilton Official Plan

The subject lands identified are designated “Mixed Use – Medium Density” within Schedule E-1 Land Use. Policies E.4.6.5, amongst others, are applicable, and permit the existing multiple dwellings.

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) In the vicinity of distinctive or unusual landforms;
- 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 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)."

Cultural Heritage

The subject property is a 1970 residential apartment building located within the Corktown Established Historic Neighbourhood.

Accordingly, the following section of the Urban Hamilton Official Plan, Volume 1, applies:

B.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 Enclose at-grade areas and alterations within existing areas of three (3) of the existing four (4) multiple dwelling buildings (known municipally as 43 and 57 Forest Avenue and 50 Young Street) to add twenty-eight (28) dwelling units for a total of four hundred and fifty-one (451) dwelling units in all four (4) buildings. 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 have reviewed the application and are generally in support of the proposed alterations. Staff strongly encourage the retention of original or early architectural features, or those that contribute to the character of the dwelling, such as the door and window surrounds, and trim. Staff have no further comments on the application as circulated.

City of Hamilton Zoning By-law 05-200

The subject lands are zoned "'C5, T6 and T8 (Mixed Use Medium Density (C5) Zone)" which permits a multiple dwelling.

Variance 1

The applicant is requesting a variance to allow the finished floor elevation of dwelling units shall be permitted to be located at grade (0.0m) instead of the requirement that the finished floor elevation of any dwelling unit shall be a minimum of 0.9 metres above grade. The intent of this provision is to provide privacy and a buffer space to ground floor residential units from the street.

Staff note that the proposal is to continue the existing floor elevation of the existing dwelling. Furthermore, staff note that the dwellings are setback a sufficient distance in which the intent is being maintained as privacy and a buffer is being maintained. Staff

are of the opinion that the variance is desirable for the development and minor in nature 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 subject site and is minor in nature, therefore, **staff support the variance.**

Variance 2

The applicant is requesting a variance to allow no minimum amenity area shall be required for the new dwelling units within the multiple dwellings instead of the requirement that on a lot containing 10 dwelling units or more a minimum amenity area of 4.0m² for each dwelling unit less than or equal to 50m² of gross floor area shall be provided and a minimum amenity area of 6.0m² for each dwelling unit greater than 50m² of gross floor area shall be provided.

Staff are of the opinion that the variance maintains the By-law as sufficient amenity space is still being provided for the overall development. Staff are of the opinion that the variance is desirable for the development and minor in nature 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 subject site and is minor in nature, therefore, **staff support the variance.**

Variance 3 and 4

The applicant is requesting a variance to allow a minimum of 0.71 parking spaces per dwelling unit shall be required instead of the requirement that for dwelling units less than 50m² of gross floor area a minimum of 0.3 parking spaces per unit shall be provided and for dwelling units greater than 50m² of gross floor area a minimum of 0.7 parking spaces per unit for 1 – 14 units, a minimum of 0.85 parking spaces per unit for 15 – 50 units and a minimum of 1.0 parking spaces per unit for 51+ units shall be provided. The applicant is also requesting a variance to allow no barrier free parking spaces shall be required for the existing dwelling units, and the dwelling units being added to the existing buildings, instead of the requirement that a minimum of 2 spaces + 2% of the total number of required parking spaces shall be used to determine the minimum number of required barrier free parking spaces. The intent of this provision is to ensure sufficient parking is provided onsite.

Staff note that the subject site is well situated for the use of public transit, including buss and train service. The subject site is in proximity to the broad range of uses and services in the downtown which generally encourages alternative transportation. The applicant has provided documents showing that the current parking supply is underutilized. Approximately 27% or 100 of the existing spaces are not being utilized, readily accommodating potential demand from the 28 new dwelling units. Staff are of the opinion that sufficient parking space will be provided on-site and that the By-law is

being maintained. Staff are of the opinion that the variance is desirable for the development and minor in nature 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 subject site and is minor in nature, therefore, **staff support the variance.**

Variance 5

The applicant is requesting a variance to allow parking spaces for the multiple dwelling shall permitted to be located between the façade and the Forest Avenue flankage lot line instead of the requirement that required parking for multiple dwellings shall not be located between the façade and the flankage lot line. The intent of the provision is to minimize the view of parking from the public view and to provide an urban streetscape. Staff note that the variance is to recognize an existing condition. Staff are of the opinion that the variance is desirable for the development and minor in nature 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 subject site and is 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 Urban Hamilton Official Plan and City of Hamilton Zoning By-law 05-200. The variances are considered to be minor in nature and desirable for the appropriate use of the property.

In conclusion, Staff recommends that the application be **approved.**

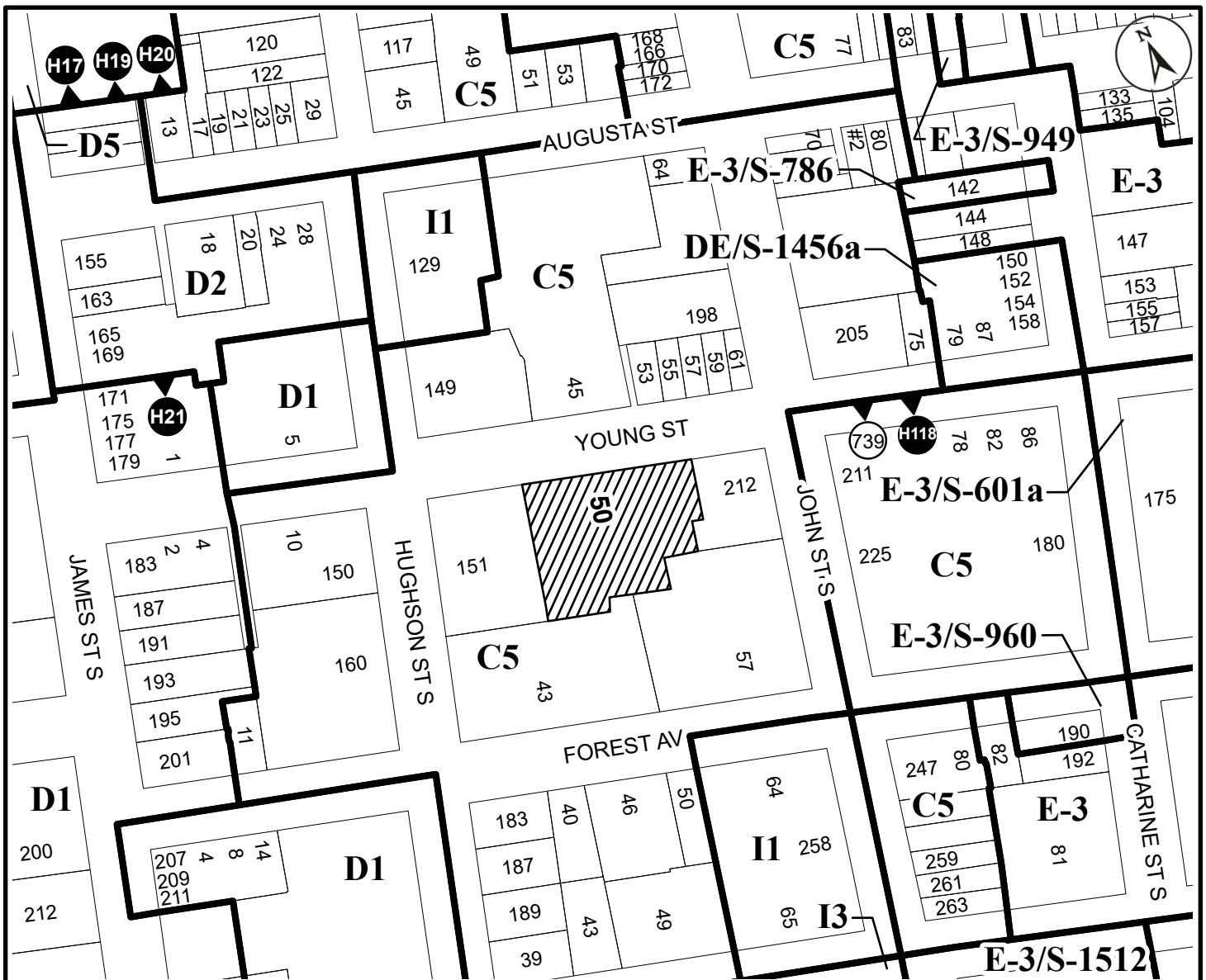
Zoning:

See comments from July 28, 2022

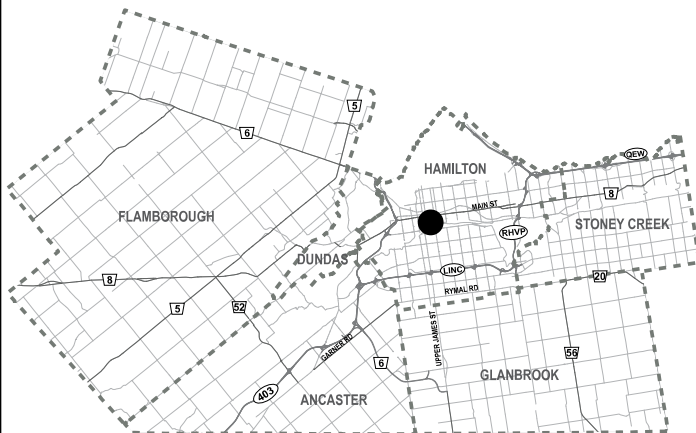
Development Engineering:

See comments from July 28, 2022

See attached for additional comments.



● Site Location



City of Hamilton

Committee of Adjustment

Subject Property



50 Young Street, Hamilton (Ward 2)

File Name/Number:

HM/A-22:207

Date:

July 13, 2022

Technician:

AL

Map Not To Scale

Appendix "A"



Hamilton

PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT

SC/B-22:67 – 79 Deerhurst Road, Stoney Creek

Consolidation Report

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

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

1. The owner shall submit a deposited Ontario Land Surveyor's Reference Plan to the Committee of Adjustment Office, unless exempted by the Land Registrar. The reference plan must be submitted in pdf and also submitted in CAD format, drawn at true scale and location and tied to the City corporate coordinate system. (Committee of Adjustment Section)
2. The owner shall pay any outstanding realty taxes and/or all other charges owing to the City Treasurer. (Committee of Adjustment Section)
3. The owner submits to the Committee of Adjustment office an administration fee, payable to the City of Hamilton, to cover the costs of setting up a new tax account for each newly created lot. (Committee of Adjustment Section)
4. The owner shall receive final approval of any necessary variances from the requirements of the Zoning By-law as determined necessary by the Planning and Economic Development Department (Planning Division – Zoning Section).
5. The owner shall demolish all or an appropriate portion of any buildings straddling the proposed property line, to the satisfaction of the Planning and Economic Development Department (Planning Division – Zoning Section). May be subject to a demolition permit issued in the normal manner.
6. That the Owner shall pay their share of future concrete sidewalk along the entire frontage of their site on Deerhurst Road, as per the City of Hamilton "New Roads Servicing Rates", to the satisfaction of the Manager of Development Engineering Approvals.
7. That the Owner must enter into with the City of Hamilton and register, a Consent Agreement, to address issues including but not limited to: lot grading and drainage to a suitable outlet on the conveyed and retained parcels (detailed grading plan required), erosion and sediment control measures (to be included on the grading plan); cash payment requirements for items such as any outstanding servicing cost for the existing municipal services adjacent to the property, street trees (City policy requires one (1) street tree/lot, inspection of grading, stormwater management infrastructure and securities for items that may include: lot grading (\$10,000.00 grading security), water and sewer services inspections, driveway approaches,

relocation of any existing infrastructure (such as hydrants) and any damage during construction (unknown costs at this time), to the satisfaction of the City's Manager of Development Approvals. Note that cash payments mentioned above are subject to change.

8. That the Owner shall pay all outstanding costs along the entire frontage of their land on Hemlock Avenue associated with the 0.3m reserve, all to the satisfaction of the Manager of Development Engineering Approvals.
9. That final and binding approval of Minor Variance application SC/A-22:225 be received, to the satisfaction of the Manager of Zoning and Committee of Adjustments.

Notes:

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 **79 Deerhurst Road (Stoney Creek)** and the lands to be conveyed (Part 2) will be assigned the address of **354 Hemlock Avenue (Stoney Creek)**.

SC/B-22:67 – 79 Deerhurst Road, Stoney Creek

PLANNING and ECONOMIC DEVELOPMENT DEPARTMENT

Development Planning – Suburban

The purpose of this application is to convey a vacant parcel of land for residential purposes and to retain a parcel of land containing the existing dwelling, which is to remain.

	Frontage	Depth	Area
SEVERED LANDS:	16.0 m [±]	24.2 m [±]	390 m ² [±]
RETAINED LANDS:	22.1 m [±]	24.2 m [±]	462 m ² [±]

In order to facilitate this severance, the following variances are required:

Part 1 (Lands to be Retained):

1. A minimum lot area of 462 square metres shall be provided for the portion of the lands to be retained, instead of the minimum required lot area of 505 square metres for a corner lot.
2. A minimum front yard of 5.8 metres shall be permitted, instead of the required minimum front yard of 6.0 metres.
3. A minimum rear yard of 5.8 metres shall be permitted, instead of the required minimum rear yard of 7.5 metres.

Part 2 (Lands to be Conveyed):

4. A minimum lot area of 390 square metres shall be provided for the portion of the lands to be conveyed, instead of the minimum required lot area of 460 square metres for an interior lot.

Urban Hamilton Official Plan

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

The proposal is a form of residential intensification, and accordingly, must be evaluated based on UHOP policies in Sections B.2.4.1.4 and B.2.4.2.2 (Volume 1) to ensure that the proposed severance takes into consideration the scale, built form, and character of the existing neighbourhood along Deerhurst Road and Hemlock Avenue. The surrounding neighbourhood consists primarily of single detached dwellings that are on suburban lots with frontage, depth, and lot area that are comparable to the proposed lots to be severed and retained. Specifically, the two abutting lots located west of the subject lands 96 Ellington Avenue and 350 Hemlock Avenue are of similar scale and area to those of the proposed lots. It is the opinion of staff that the proposed development is compatible with the surrounding area in terms of use and scale. The proposed lots will integrate well with the lot pattern of the neighbourhood and are of adequate size to support a building footprint for the intended use.

New lots for residential uses in the “Neighbourhoods” designation are permitted when they meet the criteria of F.1.14.3.1 (UHOP Volume 1). Based on an assessment of these criteria in F.1.14.3.1, staff support the requested severance as the proposed lots are similar in size and shape to existing lots along Barton Street. The proposed development is an appropriate form of infill development. Staff is of the opinion that the proposed severances have considered compatibility with the surrounding neighbourhood as the proposed lots reflect the general scale of the established development pattern.

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

The subject lands are zoned Single Residential “R2” Zone which permits the use of single detached dwellings and structures accessory thereto, in accordance with the applicable provisions. The approval of minor variances to permit the deficiencies in lot area and lot setbacks is required to facilitate the conveyance of the two lots to be created by this consent application.

Variance 1 (Lot Area for Lands to be Retained)

Zoning By-law No. 3692-92 requires a minimum lot area of 505 m² for a corner lot. These provisions are intended to ensure that a lot has enough width and area to properly accommodate a building footprint, outdoor amenity space, while also conforming to various setback and parking requirements.

The applicant is proposing to provide a minimum lot area of 462 m² instead of the minimum 505 m² lot area required for corner lots. Staff are satisfied that the proposed lot frontage will provide sufficient lot area to accommodate a building envelope, drainage, parking, and landscaping. Further, as the proposed frontage is similar to existing lots in the neighbourhood, staff recommend approval of this variance.

Variance 2 (Front Yard Setback for Lands to be Retained)

The applicant is proposing a minimum front yard of 5.8 m instead of the required minimum front yard of 6.0 m. The house has been existing for more than 50 years and the front yard setback is an existing condition, which does not impact the site negatively. Staff supports this variance.

Variance 3 (Rear Yard Setback for Lands to be Retained)

The applicant is proposing a minimum rear yard setback of 5.8 m instead of the required minimum rear yard of 7.5 metres. The intent of this provision is to allow for adequate space for safety, amenity, and drainage. Staff defers to Development Engineering for all drainage concerns. Staff is of the opinion that the proposed reduction will not compromise amenity space in the rear yard or have negative impact to the surrounding neighbours or the character of the neighbourhood. Staff support the variance as requested.

Variance 4 (Lot Area for Lands to be Severed)

The applicant is proposing to provide a minimum lot area of 390 m² instead of the minimum 460 m² lot area required for interior lots. The severed lot will have frontage on Hemlock Avenue. Staff are satisfied that the proposed lot frontage will provide sufficient lot area to accommodate a building envelope, drainage, parking, and landscaping. Further, as the proposed frontage is similar to many of the existing lots in the neighbourhood such as 350 Hemlock Avenue, 95 and 96 Ellington Avenue, staff recommend approval of this variance.

Recommendation:

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

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**, subject to the following conditions:

1. That final and binding approval of Minor Variance application SC/A-22:225 be received, to the satisfaction of the Manager of Zoning and Committee of Adjustments.

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. Please note this application is to be heard in conjunction with Minor Variance Application SC/A-22:225. Variances for lot area, minimum front yard, and minimum rear yard will be required for zoning compliance of the lands to be retained (Part 1), and variances for lot area will be required for zoning compliance of the lands to be conveyed (Part 2).
3. The City's GIS arial image indicates an existing accessory structure on the lands that would appear to straddle the proposed lot line. Demolition of all or an appropriate portion of the accessory building straddling the proposed property line shall be a condition of consent. Such demolition is subject to a demolition permit issued in the normal manner.
4. Please note that detailed drawings (i.e. Site Plan, Elevation Drawing, Cross-Section Drawing Etc.) have not been provided for the development of the portion of the lands to be conveyed (Part 2). Therefore, additional variances may be required if compliance with all aspects of Stoney Creek Zoning By-law No. 3692-92 is not possible.
5. In order to clear conditions, the applicant will be required to make application for a Zoning Compliance Review and pay the relevant fees

CONDITIONAL UPON:

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

1. The owner shall receive final approval of any necessary variances from the requirements of the Zoning By-law as determined necessary by the Planning and Economic Development Department (Building Division – Zoning Section).
2. The owner shall demolish all or an appropriate portion of any buildings straddling the proposed property line, to the satisfaction of the Planning and Economic Development Department (Building Division – Zoning Section). May be subject to a demolition permit issued in the normal manner.

Development Engineering:

No comments.

Legislative 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 (Part 1) will remain as **79 Deerhurst Road (Stoney Creek)** and the lands to be conveyed (Part 2) will be assigned the address of **354 Hemlock Avenue (Stoney Creek)**.

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.

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: July 27, 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: 79 Deerhurst Road, Stoney Creek
File: SC/B-22:67

PREAMBLE

In response to your Agenda listing for the upcoming meeting on Thursday August 11, 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

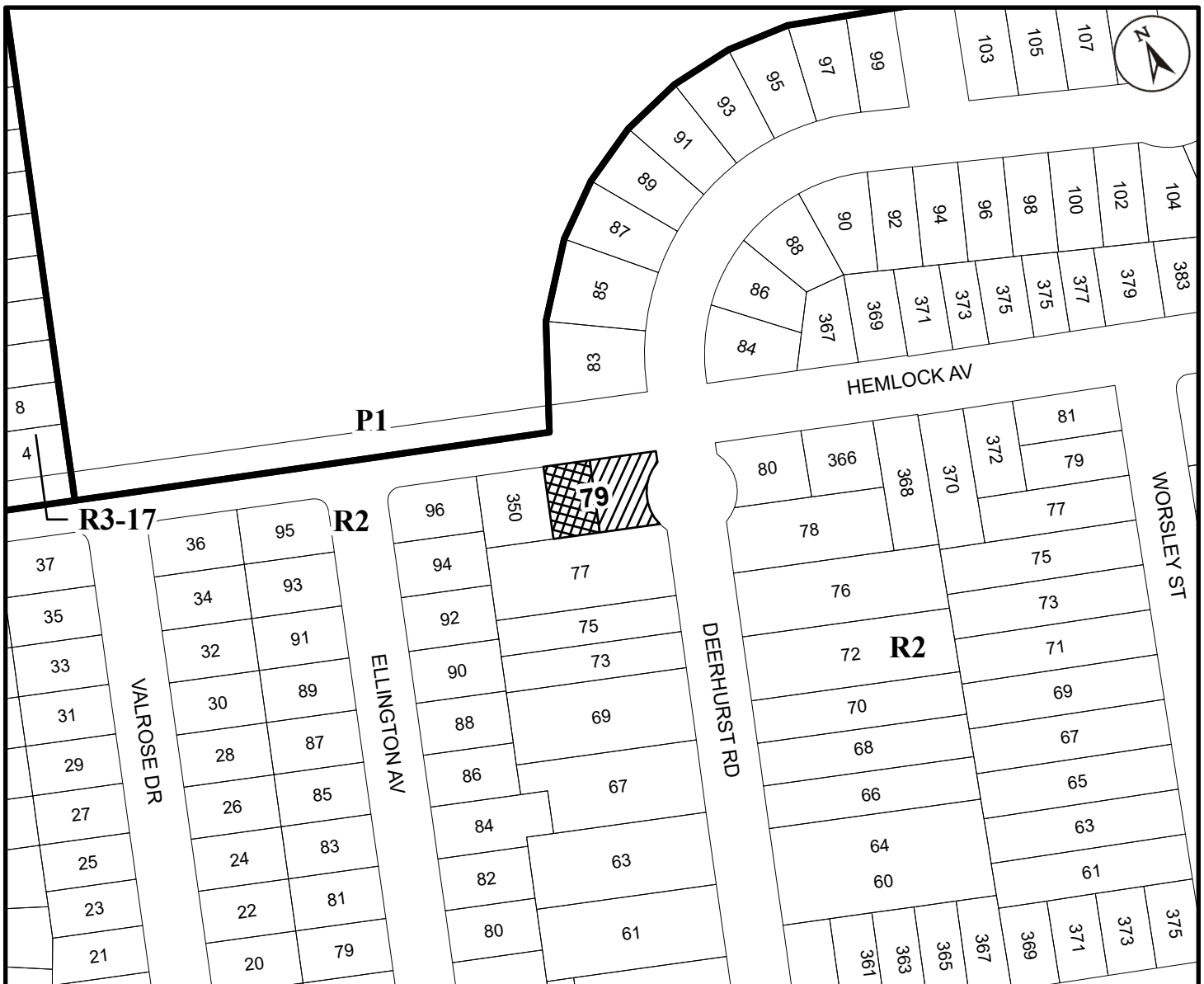
- There are no Municipal Tree Assets on site; therefore, a Tree Management Plan will not be required.
- No Landscape plan required.
- Forestry has no concerns or conditions regarding this application.

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

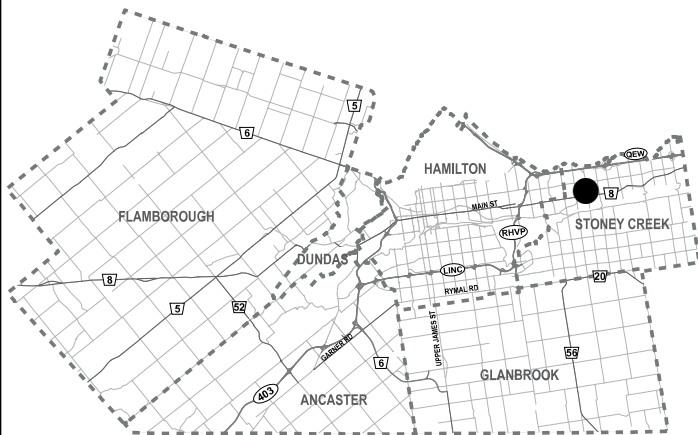
Regards,

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



● Site Location



City of Hamilton

Committee of Adjustment

Subject Property

79 Deerhurst Road, Stoney Creek (Ward 10)



Lands to be Retained



Lands to be Severed

File Name/Number:

SC/B-22:67

Date:

July 27, 2022

Technician:

NB

Map Not To Scale

Appendix "A"



Hamilton

PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT

SC/A-22:225 – 79 Deerhurst Road, Stoney Creek

Consolidation Report

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

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

SC/A-22:225 – 79 Deerhurst Road, Stoney Creek

PLANNING and ECONOMIC DEVELOPMENT DEPARTMENT

Development Planning – Suburban

The purpose of this application is to convey a vacant parcel of land for residential purposes and to retain a parcel of land containing the existing dwelling, which is to remain.

	Frontage	Depth	Area
SEVERED LANDS:	16.0 m [±]	24.2 m [±]	390 m ² [±]
RETAINED LANDS:	22.1 m [±]	24.2 m [±]	462 m ² [±]

In order to facilitate this severance, the following variances are required:

Part 1 (Lands to be Retained):

1. A minimum lot area of 462 square metres shall be provided for the portion of the lands to be retained, instead of the minimum required lot area of 505 square metres for a corner lot.
2. A minimum front yard of 5.8 metres shall be permitted, instead of the required minimum front yard of 6.0 metres.
3. A minimum rear yard of 5.8 metres shall be permitted, instead of the required minimum rear yard of 7.5 metres.

Part 2 (Lands to be Conveyed):

4. A minimum lot area of 390 square metres shall be provided for the portion of the lands to be conveyed, instead of the minimum required lot area of 460 square metres for an interior lot.

Urban Hamilton Official Plan

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

The proposal is a form of residential intensification, and accordingly, must be evaluated based on UHOP policies in Sections B.2.4.1.4 and B.2.4.2.2 (Volume 1) to ensure that the proposed severance takes into consideration the scale, built form, and character of the existing neighbourhood along Deerhurst Road and Hemlock Avenue. The surrounding neighbourhood consists primarily of single detached dwellings that are on suburban lots with frontage, depth, and lot area that are comparable to the proposed lots to be severed and retained. Specifically, the two abutting lots located west of the subject lands 96 Ellington Avenue and 350 Hemlock Avenue are of similar scale and area to those of the proposed lots. It is the opinion of staff that the proposed development is compatible with the surrounding area in terms of use and scale. The proposed lots will integrate well with the lot pattern of the neighbourhood and are of adequate size to support a building footprint for the intended use.

New lots for residential uses in the “Neighbourhoods” designation are permitted when they meet the criteria of F.1.14.3.1 (UHOP Volume 1). Based on an assessment of these criteria in F.1.14.3.1, staff support the requested severance as the proposed lots are similar in size and shape to existing lots along Barton Street. The proposed development is an appropriate form of infill development. Staff is of the opinion that the proposed severances have considered compatibility with the surrounding neighbourhood as the proposed lots reflect the general scale of the established development pattern.

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

The subject lands are zoned Single Residential “R2” Zone which permits the use of single detached dwellings and structures accessory thereto, in accordance with the applicable provisions. The approval of minor variances to permit the deficiencies in lot area and lot setbacks is required to facilitate the conveyance of the two lots to be created by this consent application.

Variance 1 (Lot Area for Lands to be Retained)

Zoning By-law No. 3692-92 requires a minimum lot area of 505 m² for a corner lot. These provisions are intended to ensure that a lot has enough width and area to properly accommodate a building footprint, outdoor amenity space, while also conforming to various setback and parking requirements.

The applicant is proposing to provide a minimum lot area of 462 m² instead of the minimum 505 m² lot area required for corner lots. Staff are satisfied that the proposed lot frontage will provide sufficient lot area to accommodate a building envelope, drainage, parking, and landscaping. Further, as the proposed frontage is similar to existing lots in the neighbourhood, staff recommend approval of this variance.

Variance 2 (Front Yard Setback for Lands to be Retained)

The applicant is proposing a minimum front yard of 5.8 m instead of the required minimum front yard of 6.0 m. The house has been existing for more than 50 years and the front yard setback is an existing condition, which does not impact the site negatively. Staff supports this variance.

Variance 3 (Rear Yard Setback for Lands to be Retained)

The applicant is proposing a minimum rear yard setback of 5.8 m instead of the required minimum rear yard of 7.5 metres. The intent of this provision is to allow for adequate space for safety, amenity, and drainage. Staff defers to Development Engineering for all drainage concerns. Staff is of the opinion that the proposed reduction will not compromise amenity space in the rear yard or have negative impact to the surrounding neighbours or the character of the neighbourhood. Staff support the variance as requested.

Variance 4 (Lot Area for Lands to be Severed)

The applicant is proposing to provide a minimum lot area of 390 m² instead of the minimum 460 m² lot area required for interior lots. The severed lot will have frontage on Hemlock Avenue. Staff are satisfied that the proposed lot frontage will provide sufficient lot area to accommodate a building envelope, drainage, parking, and landscaping. Further, as the proposed frontage is similar to many of the existing lots in the neighbourhood such as 350 Hemlock Avenue, 95 and 96 Ellington Avenue, staff recommend approval of this variance.

Recommendation:

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

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**, subject to the following conditions:

1. That final and binding approval of Minor Variance application SC/A-22:225 be received, to the satisfaction of the Manager of Zoning and Committee of Adjustments.

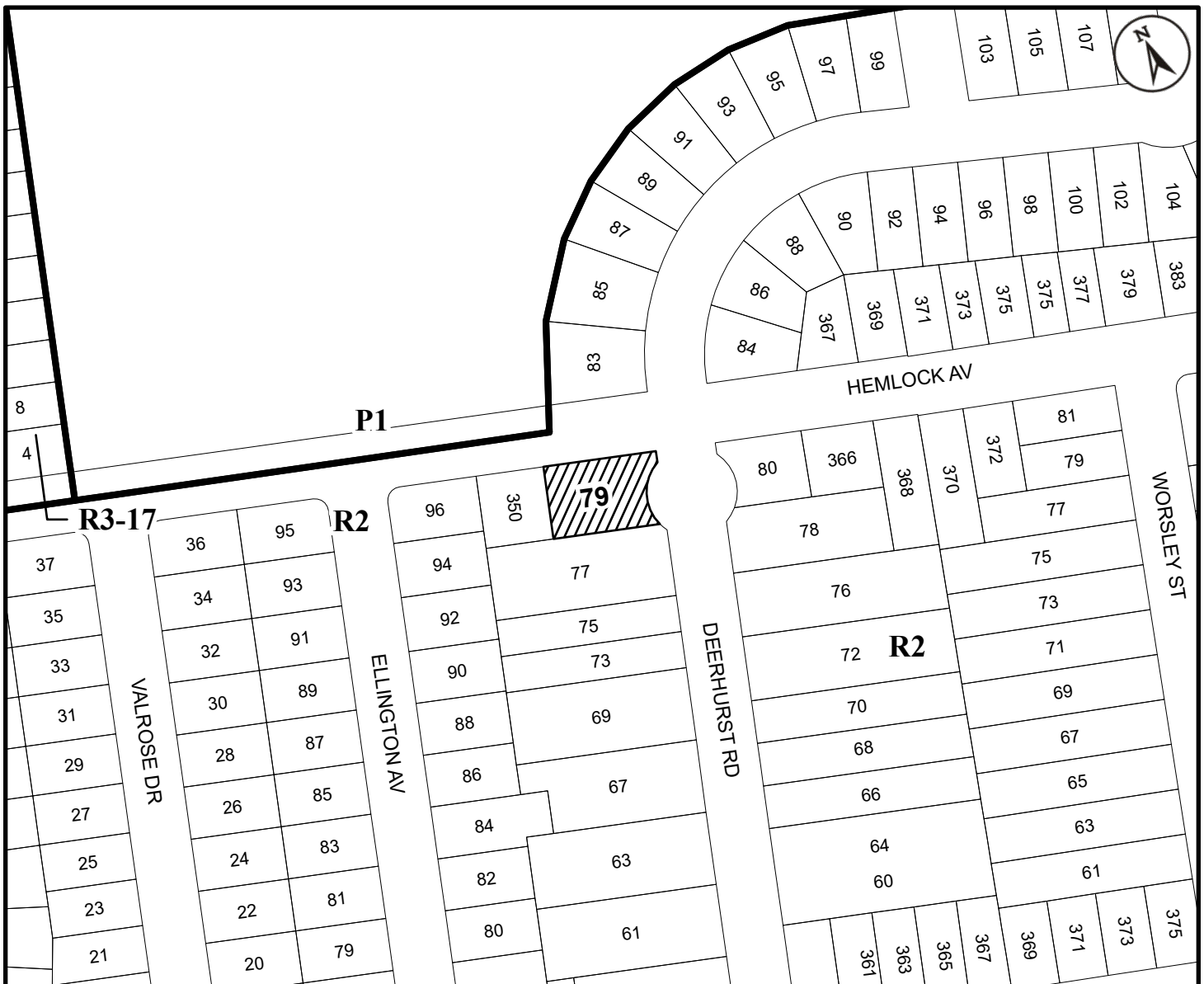
Zoning:

1. 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.
2. This application is to be heard in conjunction with Consent to Sever Application No. SC/B-22:67.
3. Please note that as a result of the Application for Consent/Land Severance, the lot line adjacent to Hemlock Avenue and measuring 22.1 metres is considered the Front Lot Line for the portion of the lands to be retained (Part 1). Therefore, for the portion lands to be retained (Part 1) variances are required to the minimum front yard (Variance No. 2) and the minimum rear yard (Variance No. 3) based on the location of the existing single detached dwelling in relation to the existing lot lines.
4. Please note that from the materials provided, it is unclear if an attached garage or attached carport is being provided on the portion of the lands to be conveyed (Part 2). As per Section 6.3.3(d)(2), on an interior lot, where no attached garage or attached carport is provided, the minimum side yard on one side shall be 3 metres. Additional variances may be required if compliance with Section 6.3.3(d)(2) cannot be achieved.
5. Please note that detailed elevation drawings were not provided for development on the portion of the lands to be conveyed (Part 2). As per Section 6.3.3(f), the maximum building height is 11.0 metres. Additional variances may be required if compliance with Section 6.3.3(f) cannot be achieved.
6. Specific details regarding lot coverage were not provided for the portion of the lands to be conveyed (Part 2). As per Section 6.3.3(g) the maximum lot coverage is 40 percent. Additional variances may be required if compliance with Section 6.3.3(g) cannot be achieved.
7. Specific details regarding parking were not provided for the portion of the lands to be conveyed (Part 2). As per Section 6.3.4, a minimum of two (2) parking spaces are required per dwelling, of which only one may be provided in the required front yard. Tandem parking is permitted. Additional variances may be required if compliance with Section 6.3.4 and all other parking regulations contained within Stoney Creek Zoning By-law No. 3692-92 cannot be achieved.
8. Please note that the projection of eaves/troughs and other permitted yard encroachments have not been indicated for the portion of the lands to be retained (Part 1) and the portion of the lands to be conveyed (Part 2). Additional variances may be required if compliance with Section 4.19.1 cannot be achieved.

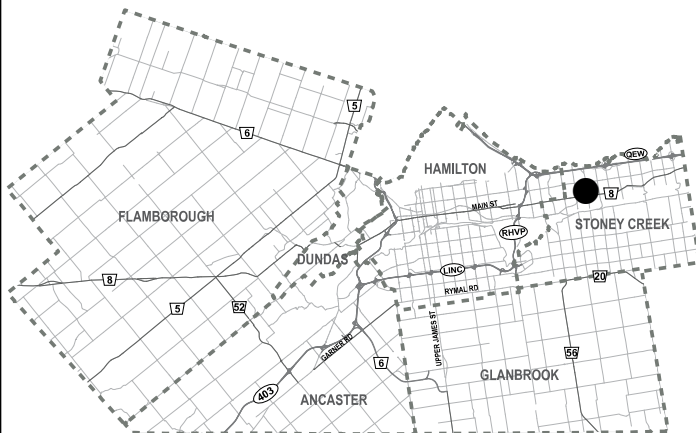
Development Engineering:

No comments.

See attached for additional comments.



● Site Location



AN/A-22:230 – 535 Gray Court Road, 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):

Notes:

“Acknowledgement Note: The subject property has been determined to be an area of archaeological potential. It is reasonable to expect that archaeological resources may be encountered during any demolition, grading, construction activities, landscaping, staging, stockpiling or other soil disturbances. If 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-22:230 – 535 Gray Court Road, Ancaster

PLANNING and ECONOMIC DEVELOPMENT DEPARTMENT

Development Planning – Suburban

The purpose of this application is to facilitate the construction of an inground pool for the existing single detached dwelling.

The following variances are requested:

1. An inground pool shall be permitted to be located in the front yard as close as 3.9m from the front lot line whereas the zoning by-law permits a totally inground pool in the minimum street side yard and the minimum rear yard, which is the rear yard.

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 250 metres of known archaeological sites;
- 2) In an area of sandy soil in areas of clay or stone; and,
- 3) Along historic transportation routes.

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

“Acknowledgement Note: The subject property has been determined to be an area of archaeological potential. It is reasonable to expect that archaeological resources may be encountered during any demolition, grading, construction activities, landscaping, staging, stockpiling or other soil disturbances. If 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) policy E.3.4.3 applies and permits single detached dwellings and accessory structures. Further, the lands are designated 'Low Density Residential (Existing)' in the Garner Neighbourhood Secondary Plan (Map B.2.3-1). Policy B.2.3.1.3 applies and permits single detached dwellings.

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

The subject lands are zoned Existing Residential "ER" Zone, which permits single detached dwellings and structures accessory thereto, in accordance with the applicable provisions. The intent of the "ER" Zone for new residential developments is to provide regulations to develop properties that will be complimentary of the existing neighbourhoods.

Variance 1

The applicant is seeking a variance to allow an inground pool be located in the front yard as close as 3.9m from the front lot line whereas the Zoning By-law permits a totally inground pool in the minimum street side yard and the minimum rear yard. The subject property is a corner lot, the existing home faces Gray Court Drive but the frontage of the property is calculated from Southcote Road. The front yard of this subject property is used as side yard amenity space and is very well fenced, allowing for privacy. The reduction in setback for the proposed pool will have negligible impact on the streetscape. There will be no adverse effects on the neighbours as there are no abutting properties on the east side where the pool is proposed. 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 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. A building permit is required for the construction of the proposed inground pool.
2. The Ancaster zoning By-law 87-57, requires a minimum of one metre within the side yard to be unobstructed and shall not contain structures, walkways, sidewalks, hard surfaced material, and landscaping other than sod. The applicant shall ensure that compliance with this requirement can be achieved; otherwise, further variances may be required.
3. Details of any proposed pool pumps or equipment were not provided from which to determine compliance. Therefore, the applicant shall ensure that any swimming pool pumps etc., shall conform to the requirements of Section 9.3 “Mechanical Equipment” of the Ancaster zoning By-law 87-57. If swimming pool pumps etc., are intended to be enclosed within a building, the applicant shall ensure compliance with Section 7.18 “Accessory Buildings” of the Ancaster Zoning By-law 87-57.
4. The lands are subject to Site Plan Control.

Development Engineering:

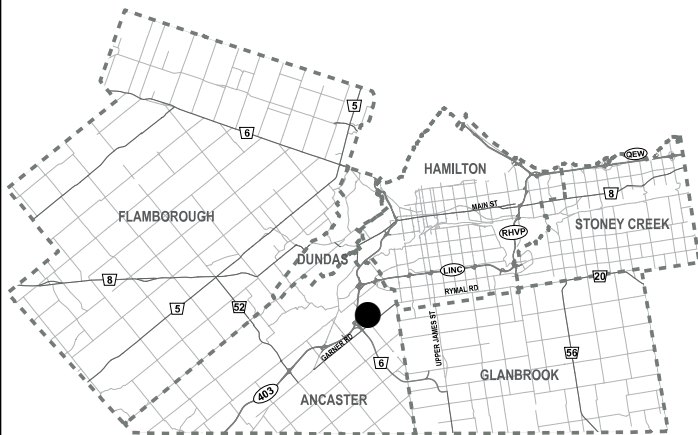
The Ancaster zoning By-law 87-57 requires a minimum of one metre within the side yard to be unobstructed for any surface drainage swales and shall not contain structures, walkways, sidewalks, hard surfaced material, and landscaping other than sod. The applicant shall ensure that compliance with this requirement can be achieved; otherwise, further variances may be required.

If the above mentioned is observed, and existing drainage pattern is maintained, Development Approvals has no comments on this application.

See attached for additional comments.



● Site Location



City of Hamilton

Committee of Adjustment

Subject Property



535 Gray Court road, Ancaster
(Ward 12)

File Name/Number:

AN/A-22-535

Date:

July 27, 2022

Technician:

NB

Map Not To Scale

Appendix "A"



Hamilton

PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT

AN/A-22:232 – 60 Academy Street, 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):

Notes:

“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-22:232 – 60 Academy Street, Ancaster

PLANNING and ECONOMIC DEVELOPMENT DEPARTMENT

Development Planning – Suburban

The purpose of this application is to permit the construction of a new two-storey addition to the existing Single Detached Dwelling. The following variances are requested:

1. A side yard setback of 1.2m shall be provided instead of the minimum required side yard setback of 2.0m.

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

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) policy E.3.4.3 applies and permits single detached dwellings and accessory structures.

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

The subject lands are zoned Existing Residential “ER” Zone, which permits single detached dwellings and structures accessory thereto, in accordance with the applicable provisions. The intent of the “ER” Zone for new residential developments is to provide regulations to develop properties that will be complimentary of the existing neighbourhoods. An addition to a single detached dwelling in the “ER” zone is subject to Site Plan Control Application. Site Plan Control application has not been submitted.

Variance 1

The applicant is requesting a variance for a side yard setback of 1.2m be provided instead of the minimum required side yard setback of 2.0m. The reduction in setback is not an existing condition, the new 2nd storey addition is protruding into the existing setback of 1.75m. In staff’s opinion the proposed reduction in setbacks are adequate for access and maintenance purposes. Given that the property is located within the Existing Residential “ER” Zone and is subject to Site Plan Control, staff recommends tabling the application in case additional variances are required and to better understand how the design of the two-storey addition integrates within mature neighbourhood and address a number of matters including but not limited to building setbacks, grading, elevations, and site access.

Recommendation:

Staff recommends tabling until the applicant submits a Site Plan Control application for review.

Zoning:

- i. Please be advised that the proposed development is subject to Site Plan Control. As such, a comprehensive zoning review has not been conducted at this time and the variance has been written as requested by the applicant.
- ii. The Ancaster Zoning By-law 87-57 requires properties within an ‘ER’ zone to provide a minimum 1.0m wide unobstructed sod area along the side lot lines.
- iii. A building permit is required in the normal manner for the construction of the proposed addition.

Development Engineering:

The Ancaster Zoning By-law 87-57 requires properties within an ‘ER’ zone to provide a minimum 1.0m wide unobstructed sod area along the side lot lines.

August 11th, 2022

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

See attached for additional comments.

From: stephen@nanoselective.com
To: [Committee of adjustment](#)
Subject: AN/A-22:23260 Academy Street, Ancaster (Ward 12)
Date: August 9, 2022 11:01:38 AM
Attachments: [ANA2223260.pdf](#)

Good morning. My name is Stephen Burman and I am representing my mother, Sheila Burman who resides at 64 Academy St, Ancaster, ON. L9G 2Y1.

This is in response to the Committee of Adjustment Hearing AN/A-22:23260 60 Academy St Minor Variance application (attached).

My mother objects to the request to reduce the setback from 2M to 1.2 meters. This objection is due to two factors:

- Firstly, and based on the attached drawings, the setback is much too close to my mothers property. It will seriously interfere with her quality of life and will considerably reduce all the ambient light entering the property on that side of the house. It will also hinder any ability to service that side of 64 Academy St such as being able to access it for any exterior repairs and maintenance.
- Secondly, the original portion of the property at 64 Academy St is 150 years old and has a very old stone and mortar original foundation. All the foundation work required for the proposed addition at 60 Academy St would place additional strain on the existing foundation at 64 Academy St. Additional shoring up would be required on the foundation at 64 Academy St. especially if the setback is reduced to 1.2 meters.

Thank you

Stephen Burman

416-802-3763

stephen@nanoselective.com

AN/A-22:240 – 887 Bishop 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):

Notes:

“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-22:240 – 887 Bishop Place, Ancaster

PLANNING and ECONOMIC DEVELOPMENT DEPARTMENT

Development Planning – Suburban

The purpose of this application is to permit the construction of an accessory building (Pavilion) in the rear yard. The following variances are requested:

1. An accessory building in excess of 12 square metres ground floor area shall be less than 0.85 metres from the rear lot line for any lot located in an Existing Residential “ER” Zone instead of the required accessory buildings in excess of 12 square metres ground floor area shall not be less than 7.5 metres from the rear lot line for any lot located in an Existing Residential “ER” Zone.
2. An eave or gutter may extend 33 centimetres into a required minimum setback area instead of the requirement that no eave or gutter shall extend more than 30 centimetres into a required minimum setback area.

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 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. 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) policy E.3.4.3 applies and permits single detached dwellings and accessory structures.

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

The subject lands are zoned Existing Residential “ER” Zone, which permits single detached dwellings and structures accessory thereto, in accordance with the applicable provisions. The intent of the “ER” Zone for new residential developments is to provide regulations to develop properties that will be complimentary of the existing neighbourhoods. Development in the “ER” zone is subject to Site Plan Control Application.

Variance 1

The applicant is requesting a variance for an accessory building larger than 12 sq. m ground floor area be located less than 0.85 m from the rear lot line for any lot located in an Existing Residential “ER” Zone instead of the required accessory buildings in excess of 12 sq. m ground floor area not be less than 7.5 m from the lot lines.

The existing rear yard setback for the property is 6.57m; therefore, the applicant is unable to comply with the required setback of 7.5 m for the proposed pavilion. The proposed open-air pavilion will help enhance amenity space in the rear yard. The abutting properties to the rear have estimated rear yards greater than 22 m; the proposed pavilion will have negligible to surrounding properties and the streetscape. Staff support the variance as requested.

Variance 2

The applicant is seeking a variance for eave or gutter to extend 33 cm into a required minimum setback area instead of the requirement that no eave or gutter shall extend more than 30 cm into a required minimum setback area. It is the opinion of staff that the proposed encroachment of 33 cm will provide sufficient space to maintain the proposed accessory structure. Staff defer to Development Engineering Staff regarding overflow from the eaves/gutter. Staff support the variance as requested.

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**.

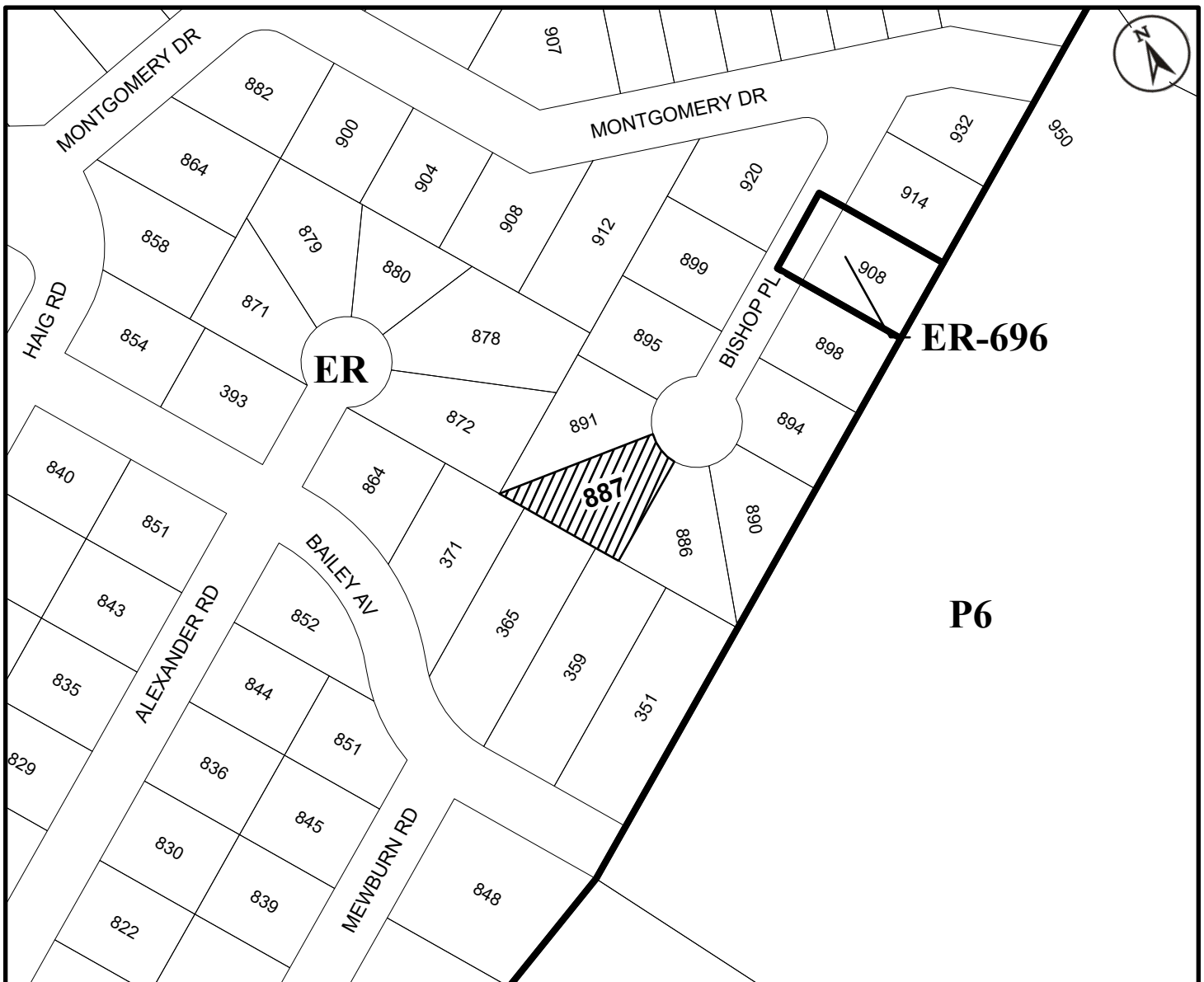
Zoning:

1. Building Permit # 22-128632, issued on July 12, 2022, to construct a 24m² deck in the rear yard of the single family dwelling remains not finalized. Building Permit # 22- 133049, to construct a new accessory structure, pavilion in rear yard, is under review and remains not finalized.
2. A building permit is required for the construction of the proposed deck and pavilion in the rear yard.
3. Be advised that Ontario Building Code regulations may require specific setback and construction types.
4. Be advised, as per Planning Memo dated Jun 20, 2022, the construction of the proposed deck and pavilion are exempt from Site Plan Control

Development Engineering:

Development Approvals requires a minimum 6.0m rear yard setback as per the City's Lot Grading Policy to provide a useable rear yard amenity area. The proposed rear yard setback of 0.85m 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

 887 Bishop Place, Ancaster
(Ward 12)

File Name/Number:

AN/A-22:240

Date:

July 27, 2022

Technician:

NB

Map Not To Scale

Appendix "A"



Hamilton

PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT

AN/A-22:241 – 120 Portia 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):

1. The Motor Vehicle Service Station shall follow Special Provision 341. a) x) [Motor Vehicle Dealership] of the City of Hamilton's Zoning By-law No. 05-200 for maximum aggregate gross floor area.

AN/A-22:241 – 120 Portia Drive, Ancaster

PLANNING and ECONOMIC DEVELOPMENT DEPARTMENT

Development Planning – Suburban

The purpose of this application is to permit the use of a Motor Vehicle Service Station, notwithstanding that the use of Motor Vehicle Service Station is not permitted within the current zoning designation.

The following variances are requested:

1. To permit the use of a Motor Vehicle Service Station as a permitted use.

Background

There was a Zoning By-Law Amendment Application – ZAC-15-037 and a Minor Variance Application – AN/A-20:27 previously submitted by the applicant. The one of the results of the ZAC-15-037 application was By-Law No. 16-116 (passed April 27th, 2016) which amended the Town of Ancaster Zoning By-law No. 87-57 for a change in zoning to the General Commercial “C3-673” Zone, Modified, in order to broaden the range of permitted uses, identify prohibited uses, and provide for corresponding increases in Gross Floor Area caps. This Zone did permit a Motor Vehicle Service Station.

Special Exception 341 which is part of the Zone on this property was added as part of By-Law No. 17-240 passed November 8th, 2017. This was part of the comprehensive Zoning By-Law for Commercial and Mixed Use Zones and there were multiple public engagement sessions held and staff continued to receive and review comments and feedback up until May 1st, 2017 (PED16100(c)).

By-Law No. 17-240 was appealed and OLT made a decision March 14th, 2022 “that the parts of By-law 17-240 that are not amended... are deemed to come into force across the entire City of Hamilton on the day By-law 17-240 was passed”. Special Exception 341 was not appealed.

Urban Hamilton Official Plan

The subject lands are designated as “Neighbourhoods” in Schedule E – Urban Structure and as “Arterial Commercial” in Schedule E-1 – Urban Land Use Designations in Volume 1 of the Urban Hamilton Official Plan (UHOP). A Motor Vehicle Service Station is a permitted use within this “Arterial Commercial” designation (UHOP Volume 1 – E.4.8.2 b)), and the “Neighbourhoods” designation as “Local Commercial” (UHOP Volume 1 – E.4.8.2 a)) .

City of Hamilton's Comprehensive Zoning By-law No. 05-200

The subject property is zoned Arterial Commercial (C7, 341) in the City of Hamilton's Zoning By-law No. 05-200, which does not permit a Motor Vehicle Service Station. The two vehicle uses currently permitted within the use with their definitions are as follows:

Motor Vehicle Gas Bar: *Shall mean a use on a lot, where fuel or lubricants are offered for sale but where no provision is made for the repair or maintenance of motor vehicles and may include the sale of foods and convenience items but shall not include a Motor Vehicle Service Station or a Motor Vehicle Wrecking Establishment.*

Motor Vehicle Dealership: *Shall mean the use of land, building or structure, or part thereof, where new and/or used motor vehicles are stored or displayed for the purpose of sale, rental or leasing and may include a building for the storage and sale of accessories and lubricants for motor vehicles and an associated Motor Vehicle Service Station.*

The definition of a **Motor Vehicle Service Station** is as follows:

Shall mean an establishment used for the sale of fuel, automotive accessories and/or convenience goods, the repair or replacement of parts in a motor vehicle and shall include but not be limited to the repair or replacement of mufflers, exhaust systems, shock absorbers, transmissions, gears, brakes, clutch assemblies, steering systems, tires, wheels, windshields, windows and other mechanical or electrical parts or systems, the installation of undercoating, engine tuning, lubrication and engine conversion or replacement but shall not include a Motor Vehicle Collision Repair Establishment, Motor Vehicle Sales and Service Establishment, or a Motor Vehicle Wrecking Establishment.

Variance 1 – Adding a Use

The applicant is seeking a variance to permit the use of a Motor Vehicle Service Station as a permitted use.

This variance applies to the property as a whole and impact the uses permitted through the Zoning By-Law. Reviewing the definitions of what is permitted in the current zone, the Motor Vehicle Service Station is not the same type of use as a Motor Vehicle Gas Bar, nor is it the same as a Motor Vehicle Dealership. Staff acknowledges that the use was initially permitted, however, when the property was added under the City of Hamilton's Zoning By-law No. 05-200, and the Special Exception was applied, this use was no longer permitted. A minor variance is not the correct process for adding this type of use, and the applicant should apply for a Zoning By-Law Amendment. Staff recommends this variance be **denied**.

Recommendation:

Having regard for the matters under subsection 45(1) of the Planning Act, staff is not satisfied that the requested variance maintains the purpose and intent of the Zoning By-law. The adding a use through a minor variance is not minor in nature. Staff recommends that the requested variance, as outlined in the Notice of Hearing, be **denied**.

Condition, if Approved:

1. The Motor Vehicle Service Station shall follow Special Provision 341. a) x) [Motor Vehicle Dealership] of the City of Hamilton's Zoning By-law No. 05-200 for maximum aggregate gross floor area.

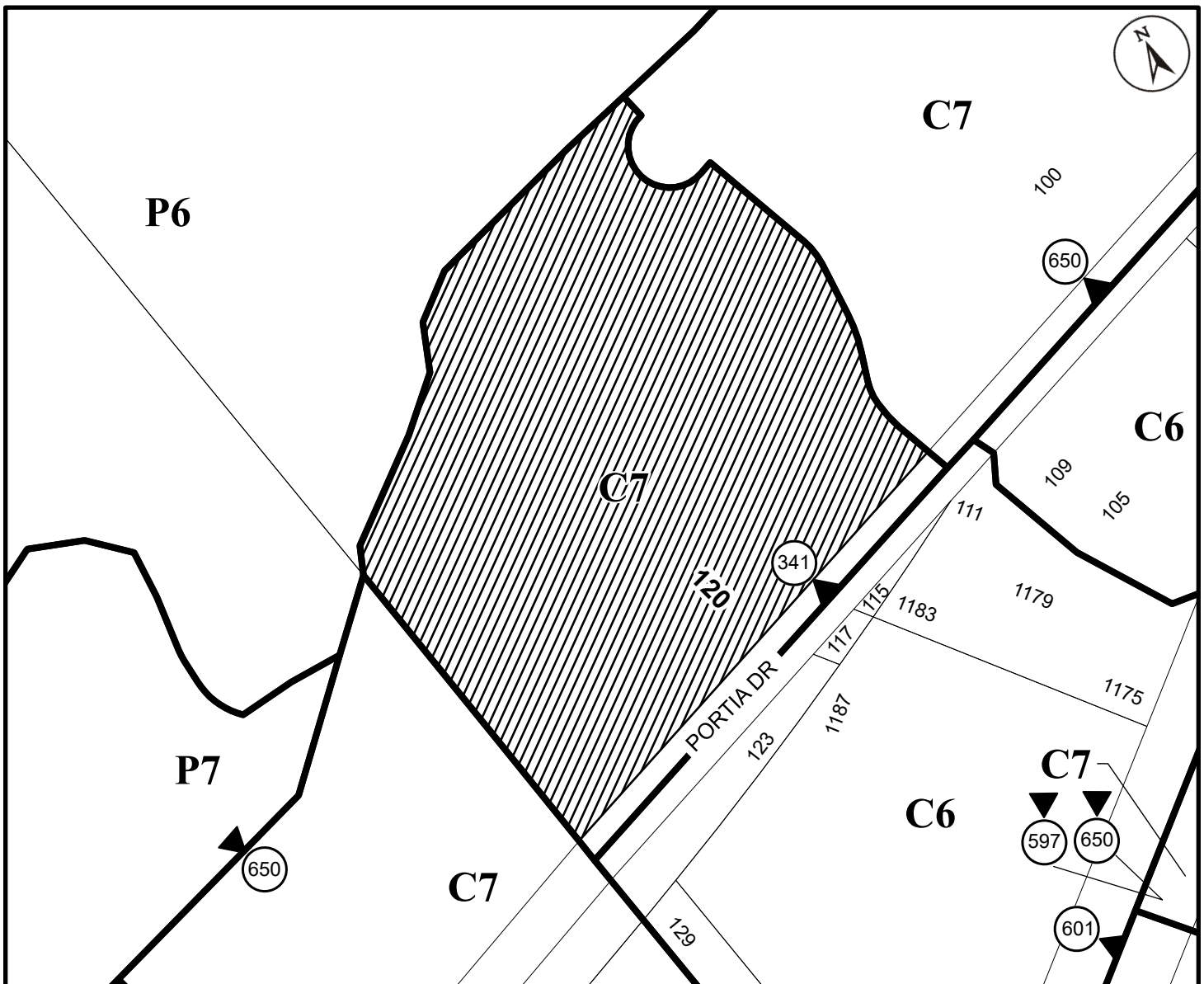
Zoning:

1. 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.
2. Variances have been written exactly as requested by the applicant. This property is subject to Site Plan Control; to date, no formal site plan application has been submitted and a full zoning review has not been conducted for the proposed development. Further variances may be required at such time that a formal zoning review is conducted on the proposed development.
3. The lands are located within or adjacent to an Environmentally Sensitive Area (ESA – Jerseyville Road Woodlot) and are subject to Site Plan Control.
4. Please be advised that a portion of this property is under Conservation Management. Please contact Grand River Conservation prior to any development.
5. Building Permit No. 17-109853, issued on June 23, 2017, for Alterations to extend the existing sprinkler system to serve the addition, Unit B1.5, remains outstanding.

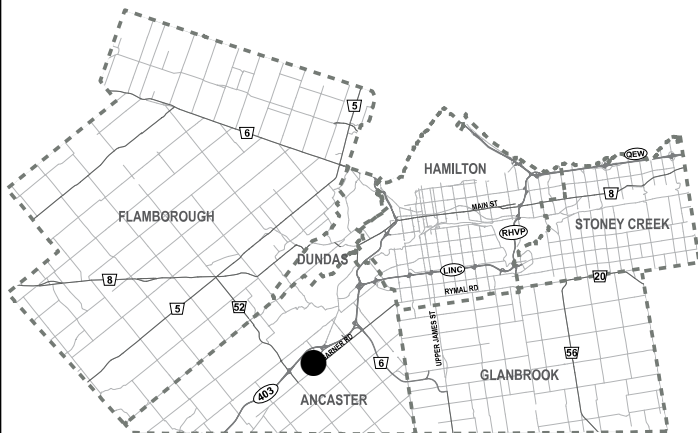
Development Engineering:

No comments.

See attached for additional comments.



● Site Location



City of Hamilton

Committee of Adjustment

Subject Property



120 Portia Drive, Ancaster
(Ward 12)

File Name/Number:

AN/A-22:241

Date:

July 27, 2022

Technician:

NB

Map Not To Scale

Appendix "A"



Hamilton

PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT

HM/A-22:228 – 195 East 8th Street, 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-22:228 – 195 East 8th Street, Hamilton

PLANNING and ECONOMIC DEVELOPMENT DEPARTMENT

Development Planning – Suburban

The purpose of this application is to permit a full second storey addition along with a proposed roofed over unenclosed front porch to the existing single-family dwelling.

The following variances are requested:

1. A minimum front yard depth of 5.7 m shall be provided instead of the minimum required 6.0 m front yard depth; and
2. A minimum side yard width of 0.5 m shall be provided on the southerly side lot line instead of the minimum required 1.2 m side yard width; and
3. A minimum front yard landscaped area of 45.7 % shall be provided whereas the By-Law states that no less than 50 % of the gross floor area of the front yard shall be used for a landscaped area excluding concrete, asphalt, gravel, pavers, or other similar materials

Cultural Heritage

The subject property is a circa 1914 two-storey dwelling, located within the Centremount Established Historic Neighbourhood.

Accordingly, the following section of the Urban Hamilton Official Plan, Volume 1, applies:

B.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 a full second storey addition along with a proposed roofed over unenclosed front porch to the existing 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 have reviewed the application and are of the opinion that the high proportion of second storey glazing and the second storey overhang above the walkway below are generally not in keeping with the character of the Centremount Established Historic Neighbourhood.

Staff have no further comments on the application as circulated.

Urban Hamilton Official Plan

The subject lands are designated as “Neighbourhoods” in Schedule E – Urban Structure, and designated as “Neighbourhoods” in Schedule E-1 – Urban Land Use Designations in Volume 1 of the Urban Hamilton Official Plan (UHOP). Single detached dwellings are permitted within this designation (UHOP Volume 1 – E.3.4.3).

Former City of Hamilton Zoning By-law (6593)

The subject property is zoned “C” District ‘Urban Protected Residential, Etc.’ in the former City of Hamilton Zoning By-law (6593), which permits single family dwellings.

Variance 1 – Minimum Front Yard Reduction

The applicant is seeking a variance to permit minimum front yard depth of 5.7 m shall be provided instead of the minimum required 6.0 m front yard depth.

This variance applies to the west side of the residential dwelling. The proposed front porch this variance will enable is set further back than the existing single storey front of the existing house. The proposed design will provide more front yard than exists currently, therefore staff have no concerns that the reduction of the setback poses adverse effects on the streetscape. This variance meets the intent of the Zoning By-Law. Staff supports this variance be **approved**.

Variance 2 – Minimum Side Yard Setback

The applicant is seeking a variance to permit a minimum side yard width of 0.5 m shall be provided on the southerly side lot line instead of the minimum required 1.2 m side yard width.

Staff note that the proposed design of the second storey addition will not further widen the dwelling from what currently exists on the south side of the property. Planning staff have no further comments.

Variance 3 – Minimum Front Yard Landscaped Area

The applicant is seeking a variance to permit a minimum front yard landscaped area of 45.7 % shall be provided whereas the By-Law states that no less than 50 % of the gross floor area of the front yard shall be used for a landscaped area excluding concrete, asphalt, gravel, pavers, or other similar materials.

This variance applies to the east side of the residential dwelling. The proposed design will provide more landscaped area than exists currently, therefore it is staff's opinion that even though there is a variance, this design is improving the streetscape. This variance meets the intent of the Zoning By-Law. 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 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**.

Zoning:

1. The notice should be altered to delete in variance # 2 the word "northerly" and replace it with "southerly". The variance should read as follows:

A minimum side yard width of 0.5 m shall be provided on the southerly side lot line instead of the minimum required 1.2 m side yard width; and

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

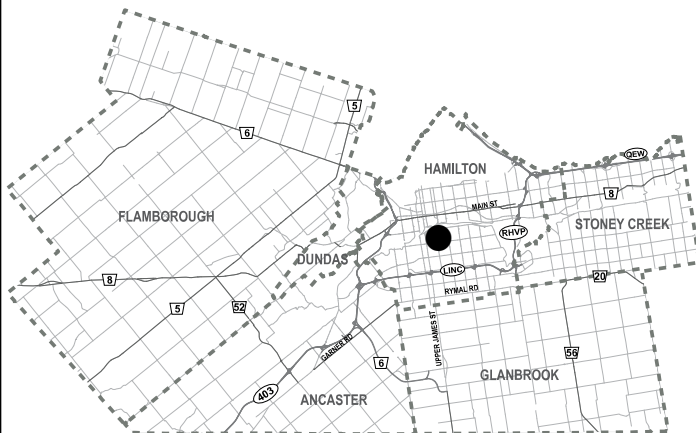
Development Engineering:

To our understanding, the 0.5m side yard setback variance is to recognize the location of the existing dwelling. Therefore, provided the existing drainage pattern is maintained, Development Engineering has no comments on the minor variances as proposed.

See attached for additional comments.




● Site Location



City of Hamilton

Committee of Adjustment

Subject Property

 195 East 8th Street, Hamilton
(Ward 8)

File Name/Number:

HM/A-22-228

Date:

July 27, 2022

Technician:

NB

Map Not To Scale

Appendix "A"



Hamilton

PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT

HM/A-22:236 – 267 East 44th Street, 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-22:236 – 267 East 44th Street, Hamilton

PLANNING and ECONOMIC DEVELOPMENT DEPARTMENT

Development Planning – Suburban

The purpose of this application is to permit the construction of a roofed-over unenclosed front porch to an existing single-family dwelling.

The following variances are requested:

1. To permit the roof-over-unenclosed front porch to encroach a maximum of 3.33 m into the required front yard and be as close as 2.67 m from the front lot line instead of the requirement in the By-Law which states that a roofed-over or screened but otherwise unenclosed one-storey porch at the first storey level, including eaves and gutters, may project into a required front yard or rear yard to a distance of not more than 3.0 m, and every such projecting porch shall be distant at least 1.5 m from the front lot line; and
2. A minimum southerly side yard width of 0.9 m shall be provided for the roofed over unenclosed porch instead of the minimum required side yard width of 1.2 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 are permitted within this designation (UHOP Volume 1 – E.3.4.3).

Former City of Hamilton Zoning By-law (6593)

The subject property is zoned “C” District ‘Urban Protected Residential, Etc.’ in the former City of Hamilton Zoning By-law (6593), which permits single family dwellings.

Variance 1 – Front Porch Encroachment

The applicant is seeking a variance to permit the roof-over-unenclosed front porch to encroach a maximum of 3.33 m into the required front yard and be as close as 2.67 m from the front lot line instead of the requirement in the By-Law which states that a roofed-over or screened but otherwise unenclosed one-storey porch at the first storey level, including eaves and gutters, may project into a required front yard or rear yard to a distance of not more than 3.0 m, and every such projecting porch shall be distant at least 1.5 m from the front lot line.

This variance applies to the west side of the residential dwelling. Staff reviewed the neighbourhood streetscape and the dwellings which had roofed-over porches did not have deep porches (approximately 2 metres deep at most). The proposed porch is approximately 3.0 metres deep. This variance meets the intent of the Zoning By-Law and is minor in nature. Staff recommends this variance be **approved**.

Variance 2 – Minimum Side Yard Setback

The applicant is seeking a variance to permit a minimum southerly side yard width of 0.9 m shall be provided for the roofed over unenclosed porch instead of the minimum required side yard width of 1.2 m.

This variance applies to the south side of the residential dwelling. Staff note that the proposed design of the roofed-over enclosed porch will not further widen the dwelling from what currently exists. Planning staff has no further comments.

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 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. The notice should be altered to include in variance # 1 the word “including stairs”, the variance should read as follows:

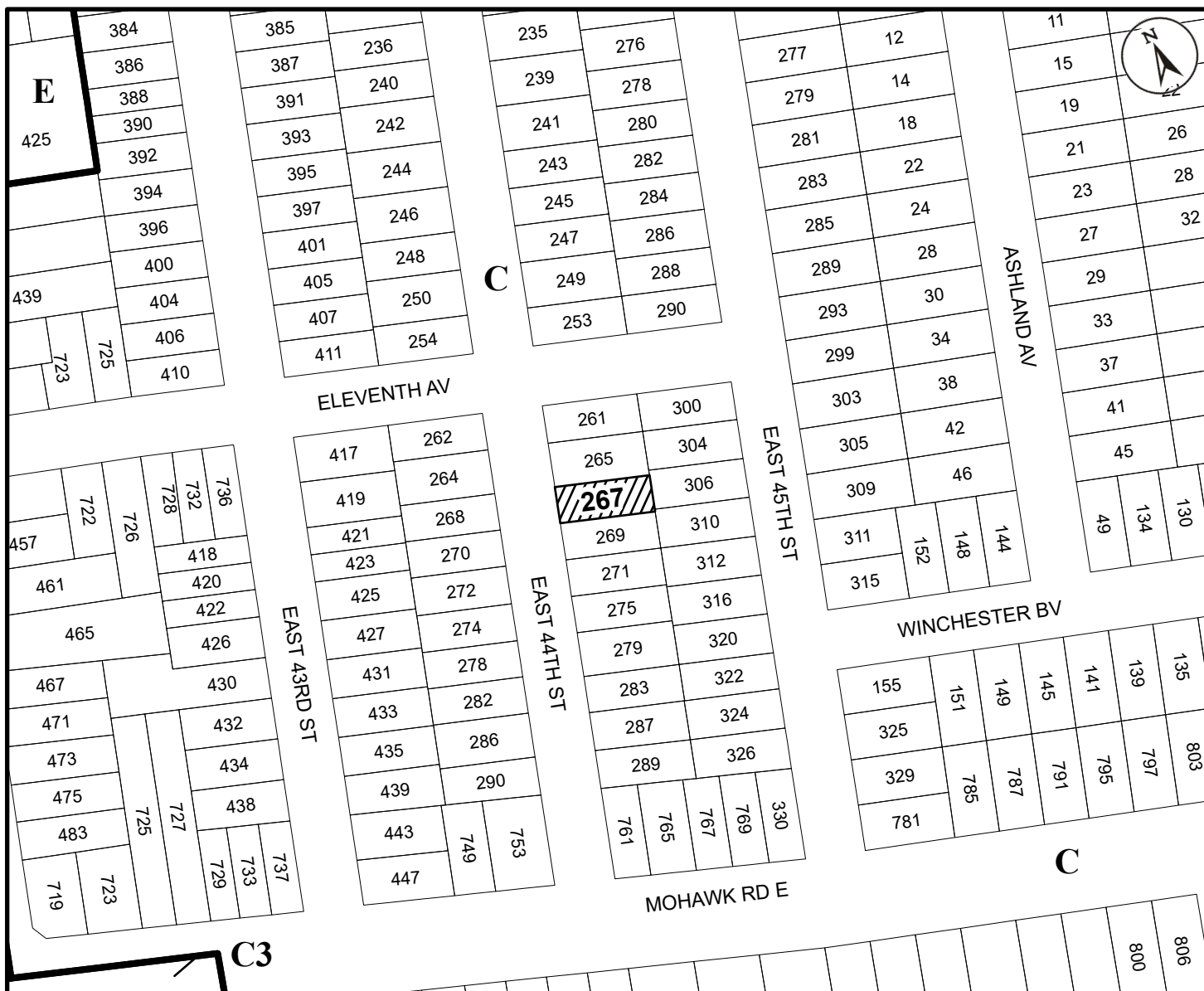
To permit the roof-over-unenclosed front porch including stairs to encroach a maximum of 3.33 m into the required front yard and be as close as 2.67 m from the front lot line instead of the requirement in the By-Law which states that a roofed-over or screened but otherwise unenclosed one-storey porch at the first storey level, including eaves and gutters, may project into a required front yard or rear yard to a distance of not more than 3.0 m, and every such projecting porch shall be distant at least 1.5 m from the front lot line; and

2. Building Permit # 22-119122 issued May 11, 2022 (Alterations to the interior of the single-family dwelling to include adding two bedrooms in the basement, dampproof north, south, and west side of the foundation wall and layout modification on the main level) remains not finalized.
3. Building Permit # 22-130959 issued July 13, 2022 (To construct a 20.44m² detached shed in the rear yard of the single family dwelling) remains not finalized
4. Subject to the issuance of a building permit in the normal manner.

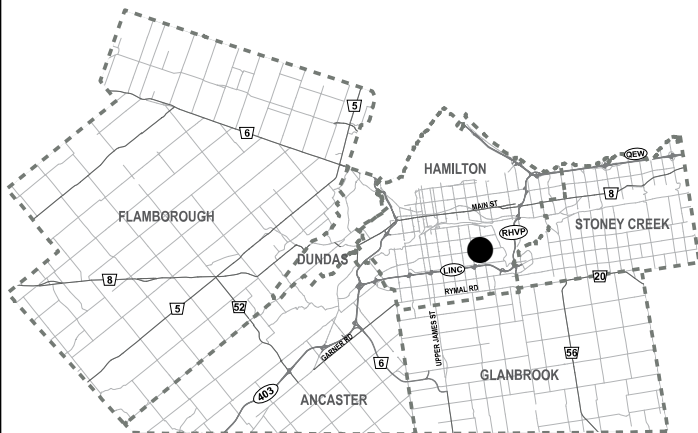
Development Engineering:

The proposed unenclosed porch follows the projection of the walls of the existing dwelling and, to our understanding, the proposed sideyard setback of 0.9m variance is to recognize the location of the existing dwelling. Therefore, provided the existing drainage pattern is maintained, Development Engineering has no comments on the minor variances as proposed.

See attached for additional comments.



● Site Location



City of Hamilton

Committee of Adjustment

Subject Property



267 East 44th Street, Hamilton
(Ward 6)

File Name/Number:

HM/A-22:236

Date:

July 27, 2022

Technician:

NB

Map Not To Scale

Appendix "A"



Hamilton

PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT

HM/A-22:115 – 35 Hamilton Avenue, 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-22:115 – 35 Hamilton Avenue, Hamilton

PLANNING and ECONOMIC DEVELOPMENT DEPARTMENT

Development Planning – Suburban

The purpose of this application is to permit the construction of a new two (2) storey, Two Family Dwelling.

The following variances are requested:

1. A minimum lot area of 485.0m² shall be provided instead of the minimum lot area of 540.0m² required for a Two Family Dwelling.
2. A minimum lot width of 12.6m shall be provided instead of the minimum lot width of 18.0m required for a Two Family Dwelling.
3. The parking area shall be permitted to occupy 56% of the gross area of the front yard instead of the maximum 50.0% gross area of the front yard permitted for parking purposes.
4. The front yard landscaped area shall be a minimum of 44.0% the gross area of the front yard instead of the minimum 50.0% required front yard landscaped area.
5. Two (2) parking spaces shall be provided in the front yard whereas the by-law prohibits required parking spaces from being in the front yard.
6. No on-site manoeuvring shall be provided for the parking spaces located within the front yard 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.

Background

This application was previously heard at Committee of Adjustment on May 12, 2022 and was tabled. The main concern from Development Planning staff related to the design not being sympathetic and complementary to the character of the Eastmount Established Historical Neighbourhood, specifically focused around the garage at the front of the dwelling.

Cultural Heritage

The subject property is comprised of a circa 1910 one-and-a-half storey dwelling located within the Eastmount Established Historic Neighbourhood.

Accordingly, the following section of the Urban Hamilton Official Plan, Volume 1, applies:

B.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 new two-storey two 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.

Comment: Staff previously noted concerns regarding a built form with two garage doors as the prominent feature on the streetscape, which is not consistent in the EHN. Staff acknowledge that the revised design is more complimentary and sympathetic to the character of the EHN. Staff have no further comments on the application as circulated.

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). Two family detached dwellings are permitted within this designation (UHOP Volume 1 – E.3.4.3).

The Section 3.3.1.5 of the UHOP (Urban Design Goals) in Chapter B – Communities states that new development shall be compatible with and enhance the character of the existing environment and locale. The principles of the urban design that should foster a sense of community identity from Section 3.3.2.3 include:

- a) respecting existing character, development patterns, built form, and landscape;
- b) promoting quality design consistent with the locale and surrounding environment;

City of Hamilton Zoning By-law No. 6593

The subject lands are zoned Urban Protected Residential - 1 & 2 Family Dwellings “D” District which permits the use of one to two family detached dwellings, in accordance with the applicable provisions.

Variance 1 and 2 – Lot Area and Width

Zoning By-law No. 6593 requires a minimum lot area of 540.0m² and a minimum lot width of 18.0 m for a Two Family Dwelling. The intent of the provision is to maintain lot

size consistency and to ensure that there is adequate space to meet landscaping, parking, amenity, and drainage requirements on the subject lot.

The proposed lot area is 485.0m² and the lot width is 12.6m, however, the property adjacent to the south is a two family dwelling and it has an approximate lot area of 317m² and a lot width of approximately 10 m. The revised design of the dwelling is deeper and appears to have taken into consideration the character of the surrounding area. Staff are of the opinion that the proposed design does meet the intent of the Official Plan and the Zoning By-Law and staff recommend that Minor Variance 1 and 2 be **approved**.

Variance 3 and 4 – Front Yard Landscaping and Parking Percentages

The applicant is proposing 56% of the gross area of the front yard for parking purposes and 44% the gross area of the front yard for landscaped area, whereas a minimum landscaped area of 50% and minimum parking space area of 50% of the front yard is required.

The intention of maintaining the 50% landscaping for the front yard is to enhance the existing character of the neighbourhood and create greenspace along the streetscapes. Staff reviewed the streetscaped and the proposed design is in keeping with the existing character of the neighbourhood. There are small landscaped yards in front of most of the dwellings long the street. The variance is minor in nature and keeping with the intent of the Zoning By-Law. Staff recommend that Minor Variance 3 and 4 be **approved**.

Variance 5 and 6 – Parking Spaces in the Front Yard

The applicant is proposing two (2) parking spaces shall be provided in the front yard whereas the by-law prohibits required parking spaces from being in the front yard and that no on-site manoeuvring shall be provided for the parking spaces located within the front yard 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.

Staff reviewed the neighbourhood and noted that there are several dwellings that have the required parking spaces in the front yard and there is no on-site manoeuvring, with two of these dwellings being across the street. Staff believe that the proposed design is tasteful and will be consistent with the locale for the design quality with regards to the parking being provided in the front yard. Staff are of the opinion that Variance 5 and Variance 6 are desirable for the appropriate development of the building and are keeping with the intent of the Official Plan and thus recommend that Minor Variance 5 and 6 be **approved**.

Recommendation:

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

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

Zoning:

1. An eave/gutter may project a maximum of one half of a side yard or 1.0m whichever is the lesser amount. Insufficient details were provided to confirm compliance; as such, additional variances may be required if compliance cannot be achieved.
2. A building permit is required in the normal manner for the construction of the proposed two family dwelling. Be advised that Ontario Building Code regulations may require specific setback and construction types.

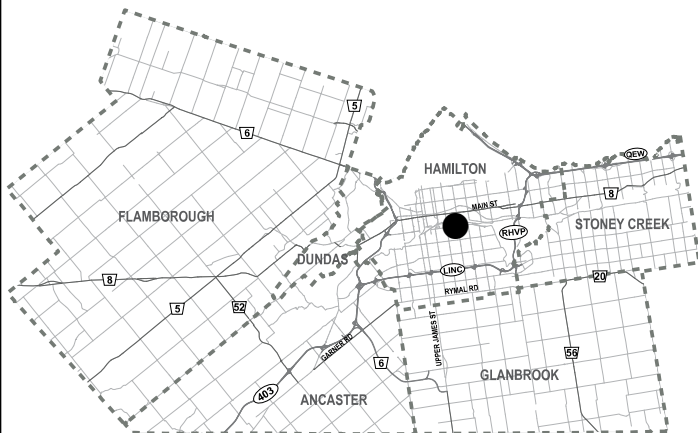
Development Engineering:

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

See attached for additional comments.



● Site Location



City of Hamilton

Committee of Adjustment

Subject Property



35 Hamilton Avenue, Hamilton
(Ward 7)

File Name/Number:

HM/A-22:115

Date:

July 27, 2022

Technician:

NB

Map Not To Scale

Appendix "A"



Hamilton

PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT

HM/A-22:237 – 302 East 16th Street, 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 variances approved shall be generally in keeping with “Sarah Brydges_Drawing Package (revision date 08/31/21)”, to the satisfaction of the Manager of Development Planning.

HM/A-22:237 – 302 East 16th Street, Hamilton

PLANNING and ECONOMIC DEVELOPMENT DEPARTMENT

Development Planning – Suburban

The purpose of this application is to permit an expansion of the existing Single Family Dwelling in the front yard and cold storage in the basement.

The following variance is requested:

3. A front yard depth of 2.9 metres shall be permitted instead of the required front yard depth of at least 6.0 metres.

Urban Hamilton Official Plan

The subject lands are designated as “Neighbourhoods” in Schedule E – Urban Structure, and designated as “Neighbourhoods” in Schedule E-1 – Urban Land Use Designations in Volume 1 of the Urban Hamilton Official Plan (UHOP). Single detached dwellings are permitted within this designation (UHOP Volume 1 – E.3.4.3).

The Section 3.3.1.5 of the UHOP (Urban Design Goals) in Chapter B – Communities states that new development shall be compatible with and enhance the character of the existing environment and locale. The principles of the urban design from Section 3.3.2.3 relevant to this minor variance include:

- c) respecting existing character, development patterns, built form, and landscape;
- d) promoting quality design consistent with the locale and surrounding environment;

Former City of Hamilton Zoning By-law (6593)

The subject property is zoned “C” District ‘Urban Protected Residential, Etc.’ in the former City of Hamilton Zoning By-law (6593), which permits single family dwellings.

Variance 1 – Front Yard Setback

The applicant is seeking a variance to permit a front yard depth of 2.9 metres shall be permitted instead of the required front yard depth of at least 6.0 metres.

This variance applies to the west side of the residential dwelling. Staff reviewed the neighbourhood streetscape and there was one dwelling approximately one block away from the subject property with a design similar to the proposed design. This example was able to demonstrate that the proposed design with the front yard setback reduction would continue to respect existing character and promote quality design consistent with the locale. This variance does meet the intent of the Zoning By-Law. Staff recommends 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 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**.

CONDITIONS (if approved):

1. That the variances approved shall be generally in keeping with "Sarah Brydges_Drawing Package (revision date 08/31/21)", to the satisfaction of the Manager of Development Planning.

Zoning:

1. Insufficient information has been provided regarding the eaves/ gutter projection of the proposed front yard expansion. Should the eaves/ gutter project 0.465 m into the required side yard, additional variances may be required.
2. Building Permit # 21-161307, to enclose the existing concrete porch over the cold cellar and add a new set of concrete and masonry steps in front of the enclosed entry, is currently under review and remains not finalized.
3. A building permit is required for the construction/renovation of the proposed enclosed entry and cold storage room.
4. Should the variance be approved to permit a reduced front yard, the porch as proposed shall comply with Section 18(3)(vi)(d) of Hamilton Zoning By-Law 6593.
5. Should the variance be approved to permit a reduced front yard, the eaves/gutter as proposed shall comply with Section 18(3)(vi)(b) of Hamilton Zoning By-Law 6593 as it relates to encroachments within the front yard.
6. Be advised that Ontario Building Code regulations may require specific setback and construction types.

Development Engineering:

No comments.

See attached for additional comments.

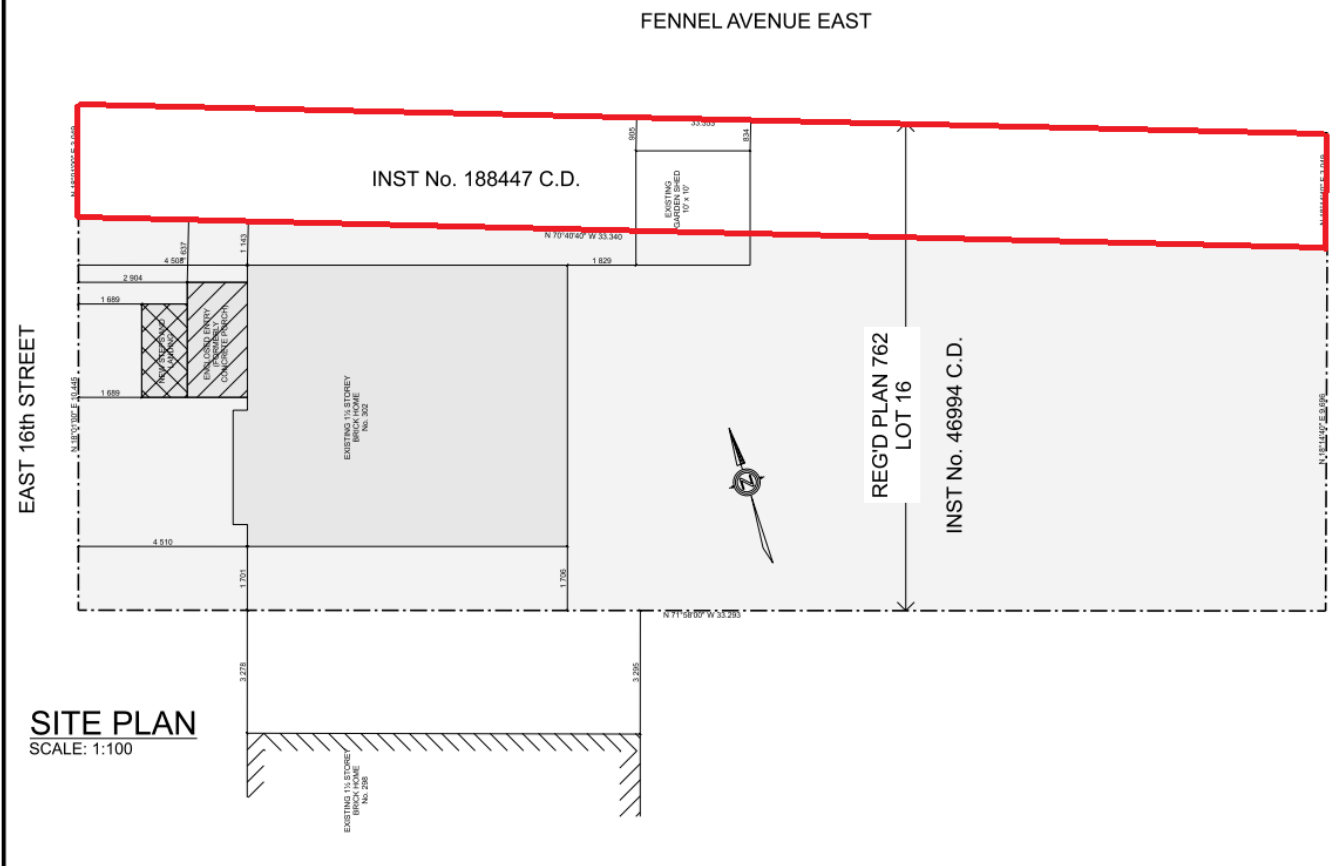
HM/A-22:237
302 East 16th Street, Hamilton



Adjacent City Owned Property PIN: 170520037

Real Estate Comments: Be advised the Applicant's property backs onto a public alley, and the Applicant's property and adjacent property are encroaching onto the public alley. As indicated in the photo below, the portion of the alley between the two properties has been fenced in for exclusive use. In addition, the applicant's fence, garden shed and driveway adjacent to the southern lot line, appear to be encroaching onto the Fennell Avenue East road allowance. The Applicant should contact Corridor Management to determine if action is required to remedy.



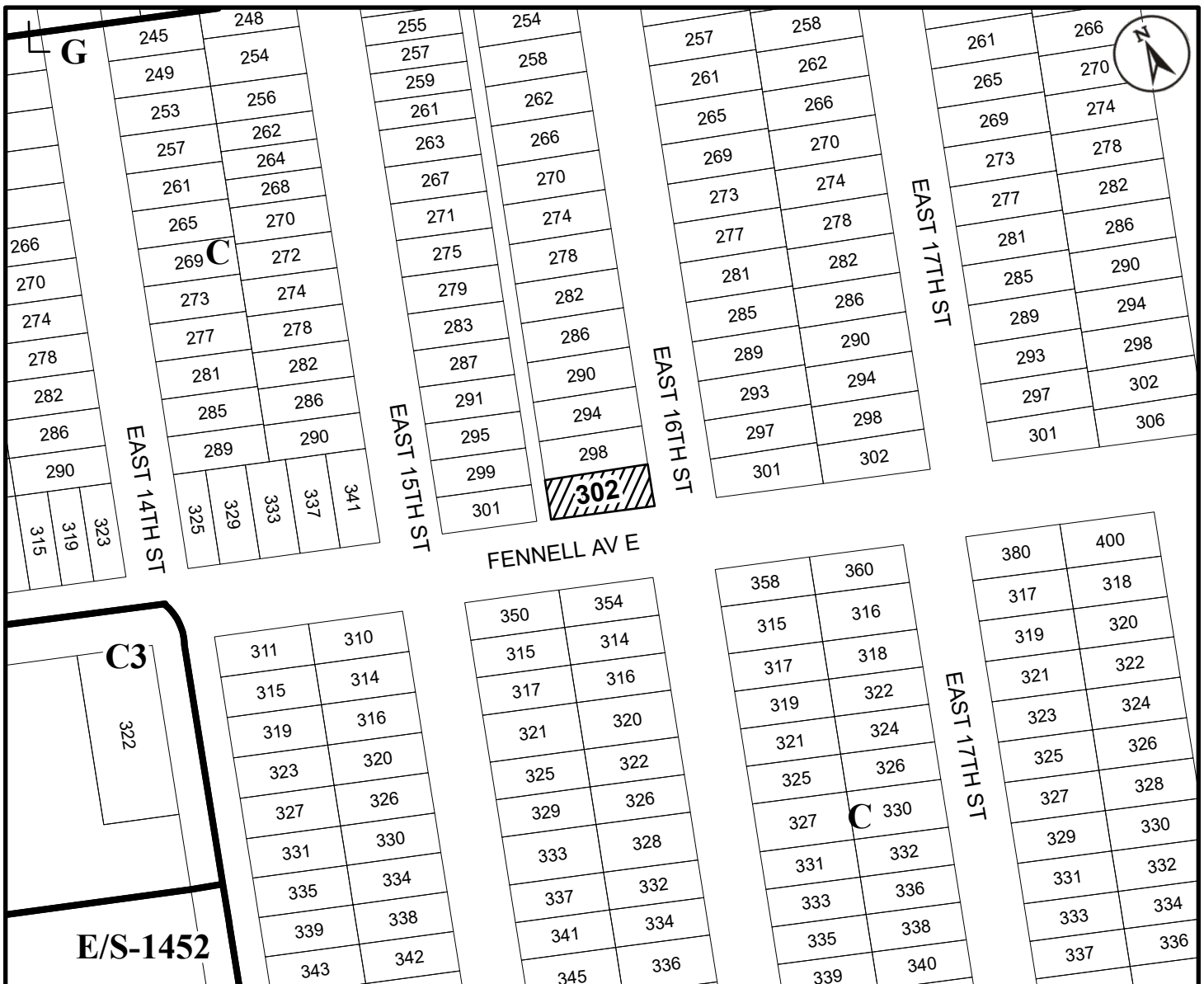


APPLICATION NO.:	HM/A-22:237	SUBJECT PROPERTY:	302 EAST 16TH STREET, HAMILTON
ZONE:	C (Urban Protected Residential, Etc.)	ZONING BY-LAW:	Zoning By-law former City of Hamilton 6593, as Amended

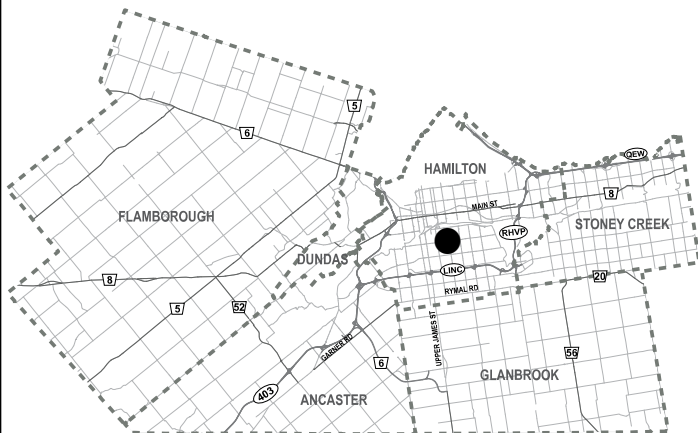
PURPOSE & EFFECT: To permit an expansion of the existing Single Family Dwelling in the front yard and cold storage in the basement

Notes:

- i. Should the variance be approved to permit a reduced front yard, the porch as proposed shall comply with Section 18(3)(vi)(d) of Hamilton Zoning By-Law 6593.
- ii. Should the variance be approved to permit a reduced front yard, the eaves/gutter as proposed shall comply with Section 18(3)(vi)(b) of Hamilton Zoning By-Law 6593.
- iii. Insufficient information has been provided regarding the eaves/ gutter projection of the proposed front yard expansion. Should the eaves/ gutter project 0.465 m into the required side yard, additional variances may be required.



● Site Location



City of Hamilton

Committee of Adjustment

Subject Property



302 East 16th Street, Hamilton
(Ward 7)

File Name/Number:

HM/A-22-237

Date:

July 27, 2022

Technician:

NB

Map Not To Scale

Appendix "A"



Hamilton

PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT

SC/A-22:231 – 35 Upper Lake Avenue, Stoney Creek

Consolidation Report

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

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

SC/A-22:231 – 35 Upper Lake Avenue, Stoney Creek

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.

Old Town Secondary Plan

The Old Town Secondary Plan designates the property as “Low Density Residential 2a and Natural Open Space” on Map B.7.2-1, to which the single family dwelling 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 the vicinity of distinctive or unusual landforms; and,
- 3) In areas of pioneer EuroCanadian settlement.

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

Former City of Stoney Creek By-Law No. 3692-92

The subject lands are zoned “R2” and “OS” (Residential Two and Open Space) which permits the use.

Variance 1

1. One (1) parking space shall be provided instead of the minimum required two (2) parking spaces.

Recommendation

Staff have reviewed the application and have no concerns.

Zoning:

1. Additional variances may be required if front porch (stairs) exceeds the maximum permitted 1.5 m front yard encroachment.
2. Insufficient information has been provided for the front porch stairs. An unenclosed porch, including the stairs, may project into any required front yard 1.5 metres. It appears that the proposed front porch stairs encroach beyond the maximum permitted 1.5 metres. Should the porch and stairs encroach further than the permitted 1.5 metres, additional variances may be required.
3. Building Permit # 22-110799, to construct multiple additions and a covered porch to the existing Single Family Dwelling, is currently under review and remains not finalized.
4. A building permit is required for the construction of the proposed additions and porch.
5. Be advised that Ontario Building Code regulations may require specific setback and construction types.
6. The lands are subject to Site Plan Control.
7. Be advised, as per Section 4.10.2 b) of Stoney Creek Zoning By-Law 3692-92, any parking space other than a 90 degree parking space shall have a width of 3.0 m and a length of 6.0 m. Insufficient information has been provided regarding parking spaces on the driveway.
Should the parking space within the driveway not meet the required dimensions of a parking space, additional variances may be required.
8. Be advised, a portion of the property is within the OS (Open Space) zone which does not permit a Single Family Dwelling or Uses, Buildings or Structures accessory to the Single Family Dwelling use. Insufficient information has been

provided regarding the location of the proposed addition(s) to the Single Family Dwelling in relation to the Open Space zone.

Should any portion of the proposed expansion to the Single Family Dwelling be within the Open Space zone, additional variances may be required.

Development Engineering:

No comments.

See attached for additional comments.

August 3, 2022

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

Attention: Committee of Adjustment

File# SC/A-22:231

Re: 35 Upper Lake Ave

In response to your correspondence dated July 26, 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. Contact ICI group to discuss service relocation options.

We would also like to stipulate the following:

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

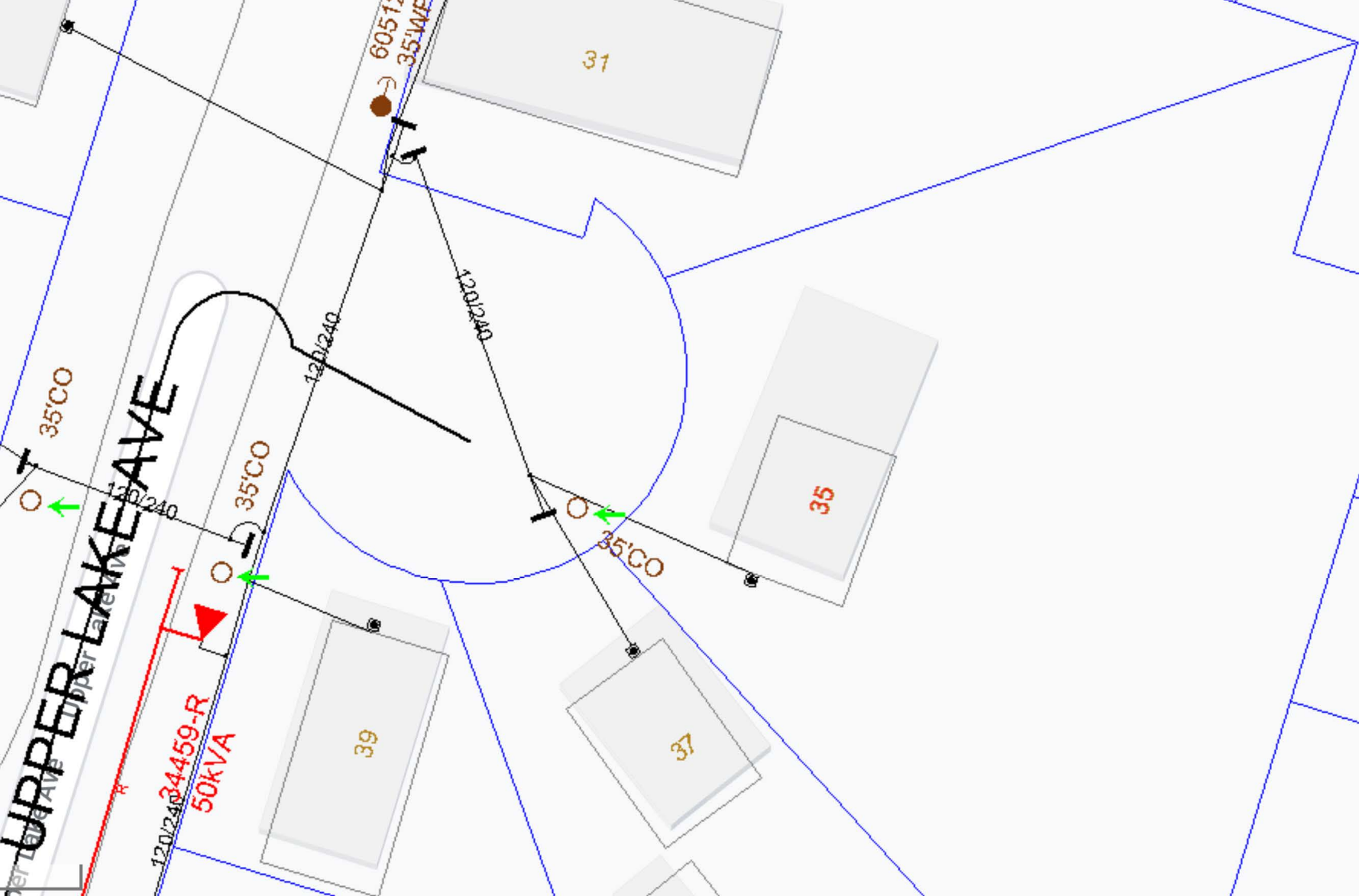
- CALL BEFORE YOU DIG, arrange for underground hydro cable locate(s) before beginning construction by contacting Ontario One Call @ 1-800-400-2255.
- Clearances from Overhead and Underground existing electrical distribution system must be maintained in accordance to:
 - Ontario Building Code (1997) Section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

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

Sincerely,

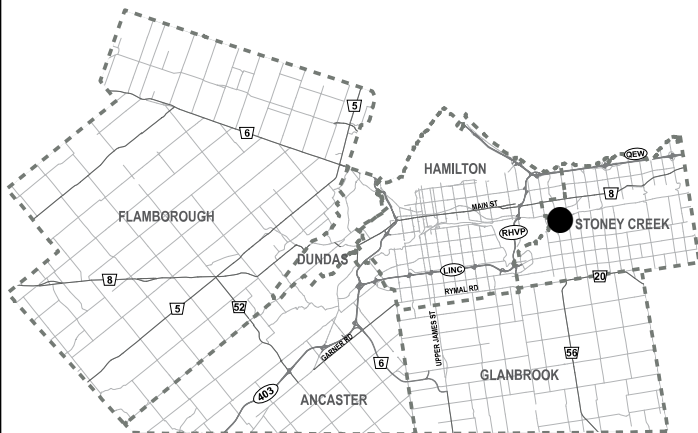
Mark Jakubowski

Mark Jakubowski
Supervisor, Design, Customer Capital






● Site Location



City of Hamilton

Committee of Adjustment

Subject Property

 35 Upper Lake Avenue, Stoney Creek (Ward 5)

File Name/Number:

SC/A-22:231

Date:

July 27, 2022

Technician:

NB

Map Not To Scale

Appendix "A"



Hamilton

PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT

HM/A-22:208 – 32 Cedar Avenue, 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-22:208 – 32 Cedar Avenue, Hamilton

PLANNING and ECONOMIC DEVELOPMENT DEPARTMENT

Development Planning – Urban

Purpose

So as to permit a third storey attic addition to an existing single-family dwelling.

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.

Cultural Heritage

The subject property is a circa 1915 two-and-a-half storey dwelling located within the Blakeley Established Historic Neighbourhood.

Accordingly, the following section of the Urban Hamilton Official Plan, Volume 1, applies:

B.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 a third storey attic addition to an existing 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 have reviewed the application and are of the opinion that the height of the proposed third storey attic addition appears to be generally out of character for the Blakeley Established Historic Neighbourhood and the pitch of the front gable appears to be steeper than the surrounding dwellings. Staff have no further comments on the application as circulated.

Former City of Hamilton Zoning By-Law No. 6593

The subject lands are zoned “D” (One- and Two-Family Residential Dwellings and Etc.) which permits the use.

Variance 1-3

1. The existing one (1) parking space shall be provided instead of the minimum required three (3) parking spaces for Nine (9) habitable rooms.
2. A side yard setback of 0.53 m shall be provided instead of the minimum required 2.7 m side yard setback.
3. An eaves/ gutter encroachment into the required side yard shall be permitted to project the entirety of the required side yard to the lot line instead of the maximum 1.0 m or not more than one-half of the width of the required side yard, whichever is lesser.

Recommendation

Staff have reviewed the application and have no concerns.

Zoning:

1. The applicant has indicated the existing dwelling was constructed prior to July 25, 1950 which has a parking space requirement of 0 spaces for a single-family dwelling. A survey or other documentation has not been provided to confirm the date of construction/ issuance of a permit. Additional parking space information relating to the size and location has not been provided. Should the single-family dwelling have been constructed after the passing date of Hamilton Zoning By-Law 6593, additional variances may be required.
2. Building Permit # 22-118806, to construct a 1-storey, 55.2 m² addition to the existing single family dwelling is currently under review and remains not finalized.
3. A building permit is required for the construction of the proposed 1-storey addition.
4. Be advised that Ontario Building Code regulations may require specific setback and construction types.
5. The applicant shall ensure the minimum required parking space size of 2.7 m x 6.0 m be maintained for the required one (1) parking space.
6. Please note that no part of the eave/gutter shall encroach onto the adjacent private property. Otherwise, an Encroachment Agreement and a Maintenance Easement shall be required which shall be entered into and registered on title for both the lot upon which the eave is encroaching onto and the subject lot.

Development Engineering:

To our understanding, the 0.53m side yard setback variance is to recognize the location of the existing dwelling. Therefore, provided the existing drainage pattern is maintained, Development Engineering has no comments on the minor variances as proposed.

See attached for additional comments.



Adjacent City Owned Property PIN: 172070234

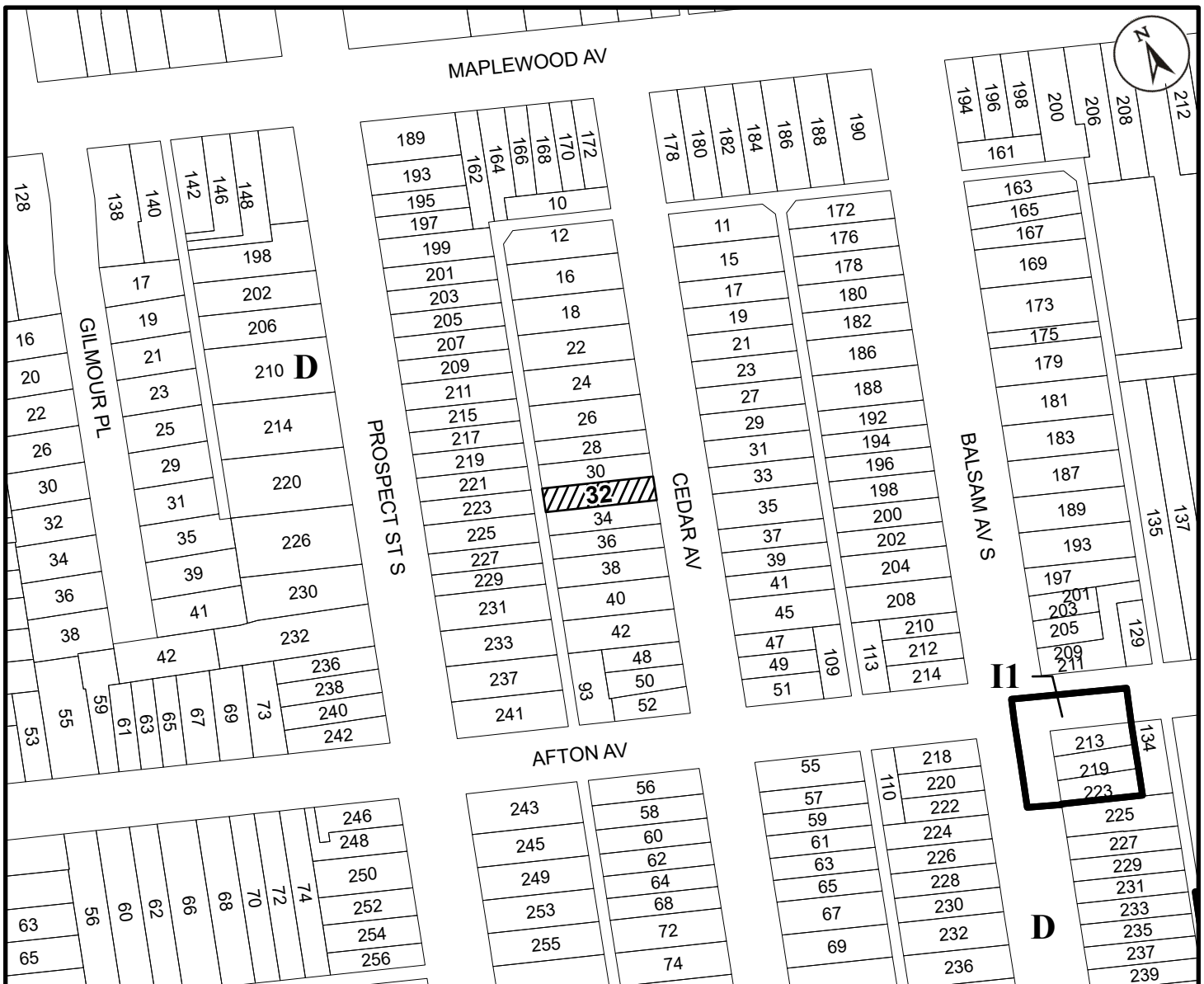
Real Estate Comments: We have no comments from a Corporate Real Estate perspective. Be advised the subject property abuts a City owned alley.

APPLICATION NO.:	HM/A-22:208	SUBJECT PROPERTY:	32 CEDAR AVENUE
ZONE:	"D" (One- and Two-Family Residential Dwellings and Etc.)	ZONING BY-LAW:	Zoning By-law former City of Hamilton 6593, as Amended

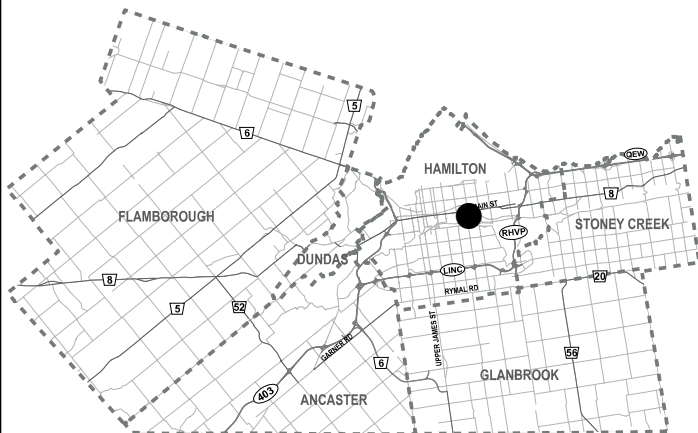
The following variances are requested:

1. The existing one (1) parking space shall be provided instead of the minimum required three (3) parking spaces for Nine (9) habitable rooms.
2. A side yard setback of 0.53 m shall be provided instead of the minimum required 2.7 m side yard setback.
3. An eaves/ gutter encroachment into the required side yard shall be permitted to project the entirety of the required side yard to the lot line instead of the maximum 1.0 m or not more than one-half of the width of the required side yard, whichever is lesser.

PURPOSE & EFFECT: So as to permit a third storey attic addition to an existing single-family dwelling notwithstanding that:



● Site Location



City of Hamilton

Committee of Adjustment

Subject Property



32 Cedar Avenue, Hamilton
(Ward 3)

File Name/Number:

HM/A-22:208

Date:

July 27, 2022

Technician:

NB

Map Not To Scale

Appendix "A"



Hamilton

PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT

HM/A-22:224 – 277 Balmoral Avenue North, 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-22:224 – 277 Balmoral Avenue North, Hamilton

PLANNING and ECONOMIC DEVELOPMENT DEPARTMENT

Development Planning – Urban

Purpose

To establish a 2 ½ storey, rear yard addition to the existing Single Family Dwelling

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.

Cultural Heritage

The subject property is comprised of a circa 1915 two-and-a-half storey dwelling and is located within the Crown Point West Established Historical Neighbourhood.

Accordingly, the following section of the Urban Hamilton Official Plan, Volume 1, applies:

B.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 a two-and-a-half storey rear yard addition to the existing Single Family Dwelling.

Staff have reviewed the application and would note that elevation drawings have not been provided. Staff recommend that the new addition be distinguishable from the existing building, that compatible building materials be incorporated and that the addition be subordinate in size and design. Staff have no further comments on the application as circulated.

Former City of Hamilton Zoning By-Law No. 6593

The subject lands are zoned “D” (One- and Two-Family Residential Dwellings and Etc.) which permits the use.

Variance 1-2

1. A side yard setback of 0.11 m shall be provided instead of the minimum required 1.2 m side yard setback.
2. An eaves/ gutter encroachment into the required side yard shall be permitted to project the entirety of the required side yard to the lot line instead of the maximum 1.0 m or not more than one-half of the width of the required side yard, whichever is lesser.

Recommendation

Staff have reviewed the application and have no concerns.

Zoning:

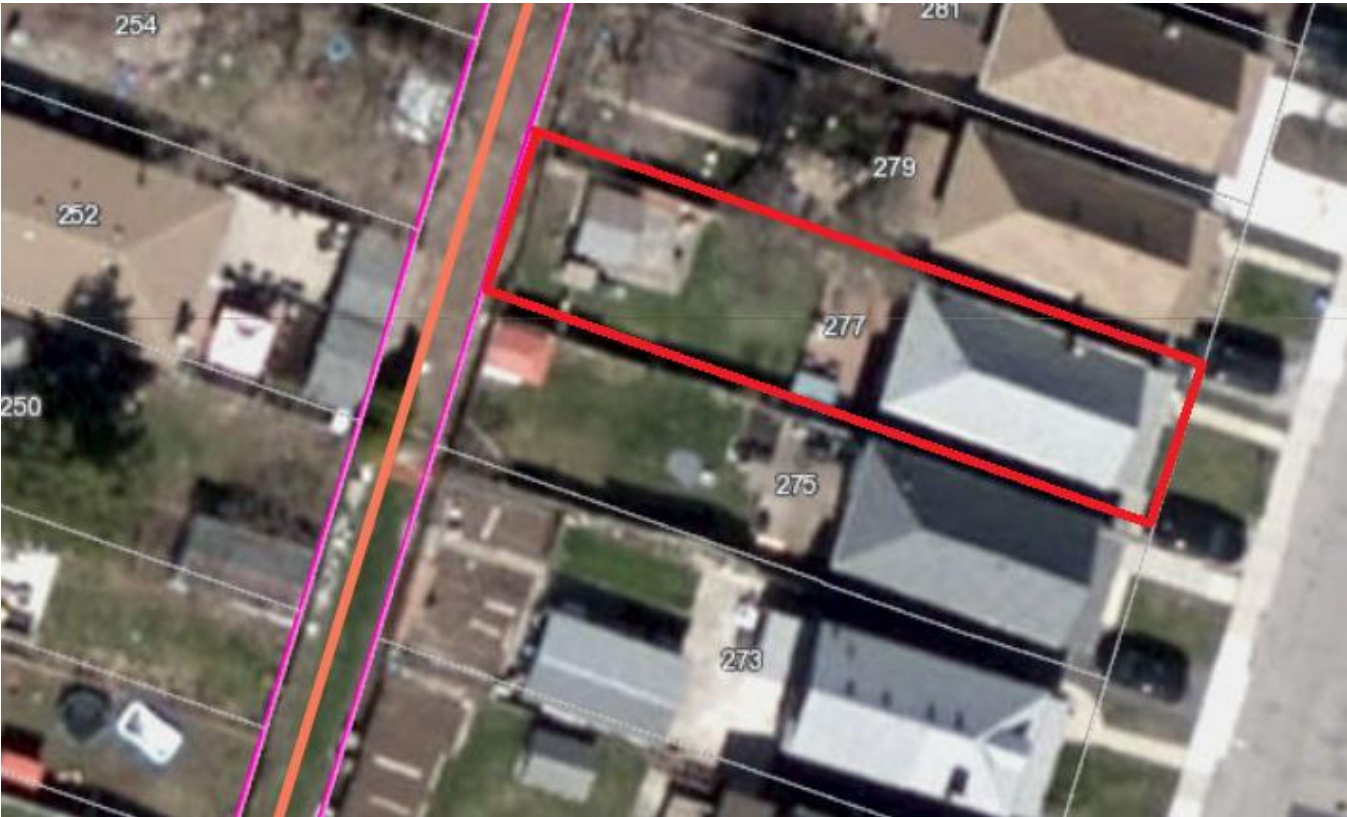
1. Be advised, Hamilton Zoning By-Law 6593 requires parking at a rate of two (2) parking spaces for the first eight (8) habitable rooms plus 0.5 spaces for each additional habitable room. No floor plans were provided to confirm the total number of habitable rooms proposed and as a result the minimum number of parking spaces required could not be determined. Should the number of habitable rooms exceed eight (8) habitable rooms as a result of the proposed addition, additional variances may be required.
2. A building permit is required for the construction of the proposed 2 ½ storey addition to the existing Single Family Dwelling.
3. Be advised that Ontario Building Code regulations may require specific setback and construction types.
4. Be advised that no part of the eave/gutter shall encroach onto the adjacent private property. Otherwise, an Encroachment Agreement and a Maintenance Easement shall be required which shall be entered into and registered on title for both the lot upon which the eave is encroaching onto and the subject lot.

Development Engineering:

To our understanding, the proposed 0.10m side yard for the proposed addition follows the projection of the wall of the existing dwelling. Therefore, provided the existing drainage pattern is maintained, Development Engineering has no comments on the minor variances as proposed.

See attached for additional comments.

HM/A-22:224
277 Balmoral Avenue North, Hamilton



Adjacent City Owned Property PINs: 172230314

Real Estate Comments: We have no comments from a Corporate Real Estate perspective. Be advised the subject property abuts a City owned alley.

APPLICATION NO.:	HM/A-22:224	SUBJECT PROPERTY:	277 BALMORAL AVENUE N, HAMILTON
ZONE:	D (One and Two Family Dwellings and Etc.)	ZONING BY-LAW:	Zoning By-law former City of Hamilton 6593, as Amended

The following variances are requested:

1. A side yard setback of 0.11 m shall be provided instead of the minimum required 1.2 m side yard setback
2. An eaves/ gutter encroachment into the required side yard shall be permitted to project the entirety of the required side yard to the lot line instead of the maximum 1.0 m or not more than one-half of the width of the required side yard, whichever is lesser.

PURPOSE & EFFECT: To establish a 2 ½ storey, rear yard addition to the existing Single Family Dwelling.

Sheffield, Jamila

From: pad274@cogeco.ca
Sent: August 5, 2022 12:05 PM
To: Committee of adjustment
Subject: Notice of Public Hearing regarding property 277 Balmoral Ave North

Hello,

I just received a letter about a hearing on August 11, 2022 at 2:20pm about a minor variance request for an addition at 277 Balmoral ave North. I will be working so unable to attend.

I do have questions about the 2 and a half story addition (which aren't so much about the variance request regarding the eaves or gutters.

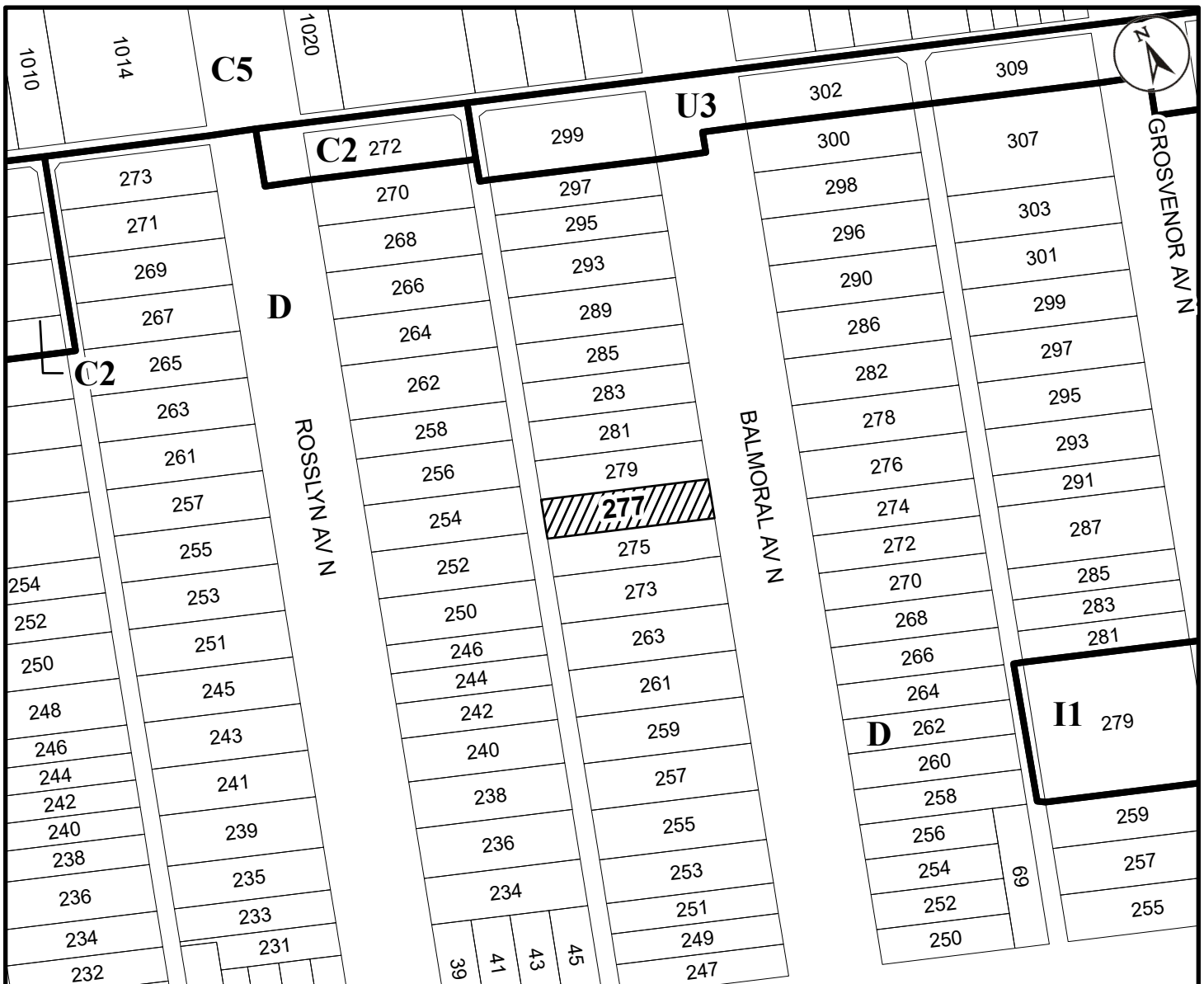
Actually, it's quite a surprise to learn of such a huge additon being planned. When will this happen? How long will it take? (ie how long can we expect noise and excessive work vehicles on the street? Is is an addition for another family? 2 families, 3 families? How many rental units? Is it going to be an Air bnb? Short term rentals? Will the property owners provide parking for all the new tenants or will it be street parking?

Won't this have a negative impact on the neighbours directly beside them? Property 275 and 279? In regards to their view? Their privacy? The amount of sunlight their yard will get ? (Or no longer get) That's impactful if they are trying to grow a garden. I don't know if they are, it was just a thought and question.

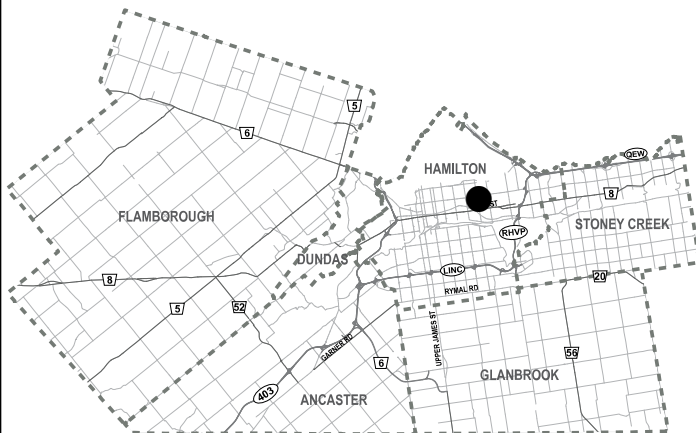
Anyways, those are my thoughts and questions about the 2 and a half story addition that's being planned. Maybe the questions aren't even valid if the hearing is just about the variance about the eaves/gutters. But I am definitely interested in what happens in my neighbourhood.

Thanks

Anka Dolhun



● Site Location



City of Hamilton

Committee of Adjustment

Subject Property



277 Balmoral Avenue North, Hamilton
(Ward 3)

File Name/Number:

HM/A-22-224

Date:

July 27, 2022

Technician:

NB

Map Not To Scale

Appendix "A"



Hamilton

PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT

HM/A-22:233 – 221 Hess Street South, 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):

Notes:

“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-22:233 – 221 Hess Street South, Hamilton

PLANNING and ECONOMIC DEVELOPMENT DEPARTMENT

Development Planning – Urban

Purpose

To permit the construction of a front porch to an existing single-family dwelling

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.

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 the vicinity of distinctive or unusual landforms; 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).”

Cultural Heritage

The subject property is comprised of a circa 1875 single storey dwelling and is included in the City’s Inventory of Heritage Properties. In addition, the property is located within the Durand Established Historical Neighborhood.

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,

B.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 construction of a front porch to an existing 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 have reviewed the application and would note that elevation drawings have not been provided. Staff strongly encourage the use of compatible materials such as wood and brick in the construction of the new porch to ensure minimal visual impacts on the cultural heritage resource and the streetscape. Staff discourage the introduction of contemporary synthetic materials in the new porch. Staff no further comments on the application as circulated.

Former City of Hamilton Zoning By-Law No. 6593

The subject lands are zoned “DE-3” (Multiple Dwellings) which permits the use.

Variance 1

1. An uncovered front porch shall be permitted to be located as close as 0.0 m from the street line whereas the By – Law states that 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 and at least 1.5 metres (4.92 feet) from the nearest street line.

Recommendation

Staff have reviewed the application and have no concerns.

Zoning:

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

Development Engineering:

Provided that the existing drainage pattern is maintained, Development Approvals has no comments on the Minor Variance as proposed.

See attached for additional comments.

HM/A-22:233
221 Hess Street South, Hamilton



Adjacent City Owned Property PIN: 171350344

Real Estate Comments: Be advised the subject property abuts a City owned alley. It appears that the existing building is straddling the property line onto the alley as well as the road allowance on Hess Street South. The Applicant should contact Corridor Management.

APPLICATION NO.:	HM/A-22:233	SUBJECT PROPERTY:	221 HESS STREET S, HAMILTON
ZONE:	"DE-3" (Multiple Dwellings)	ZONING BY-LAW:	Zoning By-law former City of Hamilton 6593, as Amended

The following variances are requested:

1. An uncovered front porch shall be permitted to be located as close as 0.0 m from the street line whereas the By – Law states that 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 and at least 1.5 metres (4.92 feet) from the nearest street line; and

PURPOSE & EFFECT: To permit the construction of a front porch to an existing single-family dwelling notwithstanding that;

Notes:

- i. It appears based on GIS that the existing building is straddling the property lot line and onto the road allowance (Hess Street South) and the variance has been written based on that.

From: [Michelle Piano](#)
To: [Committee of adjustment](#)
Subject: Feedback re: request for variance (application # HM/A-22:233)
Date: Thursday, July 28, 2022 2:14:36 PM

Hello,

I am a resident at 167 Robinson St, Hamilton, ON L8P 1Z6. I received a notice in the mail re: application # HM/A-22:233 seeking a variance install an uncovered front porch closer to the property line than typically allowed. I have reviewed the drawings and justification, which includes the accessibility needs of the residents, and wish to notify the Committee of Adjustment that I am in support of the variance being sought.

Thank you,

Michelle Piano

e. michellepiano8@gmail.com

t. 289-684-4018

a. 167 Robinson St, Hamilton, ON L8P 1Z6

From: [Fran Hicks](#)
To: [Committee of adjustment](#)
Subject: 221 Hess Street S.
Date: August 9, 2022 10:12:07 AM
Importance: High

Application No.: HM/A-22:233

TO WHOM IT MAY CONCERN:

I HAVE NO OBJECTION TO THE PROPOSED WORK FOR THE ABOVE PROPERTY.

Frances R.Hicks
223 Hess Street South.

Sheffield, Jamila

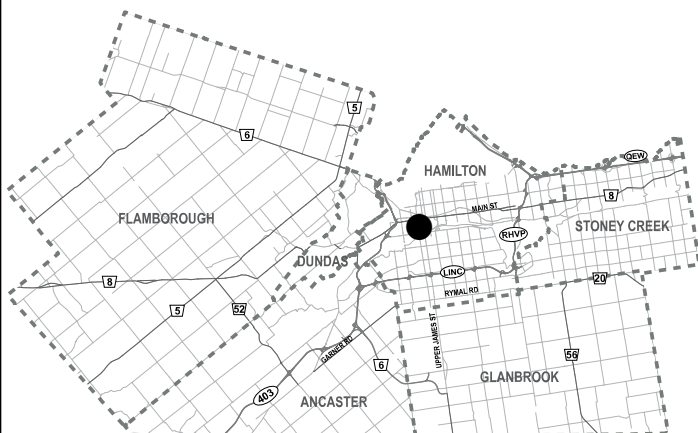
From: Kailee Scott <kailee.scott@live.ca>
Sent: August 6, 2022 9:08 PM
To: Committee of adjustment
Subject: HM/A-22:233

Hi,
My name is Kailee and I'm the owner and resident of 219 Hess St S. I'm writing this email in regards to my neighbour's application of change to their porch. I have no issues with the proposed plan and am happy for them to proceed as needed.

If you have any questions or concerns please don't hesitate to reach out.
Thank you,
Kailee



● Site Location



City of Hamilton

Committee of Adjustment

Subject Property



221 Hess Street South, Hamilton
(Ward 2)

File Name/Number:

HM/A-22:233

Date:

July 27, 2022

Technician:

NB

Map Not To Scale

Appendix "A"



Hamilton

PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT

HM/A-22:153 – 9 Southview Place, 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-22:153 – 9 Southview Place, Hamilton

PLANNING and ECONOMIC DEVELOPMENT DEPARTMENT

Development Planning – Urban

Purpose

To establish a Secondary Dwelling Unit within an existing Single Family Dwelling.

Urban Hamilton Official Plan

The Urban Hamilton Official Plan designates the property as “Neighbourhoods” on Schedule E-1 in the Urban Hamilton Official Plan. Policy B.3.2.4.4 and E.3.2.3, among others, are applicable and permit a single detached dwelling and secondary dwelling unit.

Ainslie Wood Westdale Secondary Plan

The Ainslie Wood Westdale Secondary Plan designated the property “Low Density Residential 2”. Policy B.6.2.5.4, among others, is applicable and permits the use.

Former City of Hamilton Zoning By-Law No. 6593.

The subject lands are zoned “C/S-1335 and C/S-1335a” (Urban Protected Residential etc.) to which the use is permitted.

Variance 1

The applicant is requesting a variance to permit two (2) entrances shall be permitted on the front façade of the dwelling instead of the requirement that a maximum of one entrance shall be permitted on the front facade of a dwelling containing a Secondary Dwelling Unit. The intent of this provision is to maintain the existing character of a low-density neighbourhood.

Staff note that the two entrances are existing conditions to the existing single detached dwelling. Staff note that from the submitted plans, the entrance for the secondary dwelling unit will be from the rear. Staff are of the opinion the variance is minor in nature and desirable for the development as no negative 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 subject site and is minor in nature, therefore, **staff support the variance.**

Variance 2

The applicant is requesting a variance to allow a minimum parking space length of 5.9m shall be permitted instead of the minimum required parking space length of 6.0m. The intent of this provision is to ensure sufficient space is provide for vehicles to park.

Staff note that the proposed 5.9 metre parking space length is sufficient for a vehicle to park. Staff are of the opinion the variance is minor in nature and desirable for the development as no negative 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 subject site and is 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 Urban Hamilton Official 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 the application be **approved.**

Zoning:

1. The variances should be altered to delete variance # 2 in it's entirety.
2. Please be advised that as of June 8th, 2022, amending By-Law No. 22-137 was passed respecting modifications and updates to Secondary Dwelling Units and Secondary Dwelling Units – Detached regulations. As per By-Law No. 22-137, Secondary Dwelling Units and Secondary Dwelling Units – Detached shall no longer require a parking space. As such, the existing 2 (two) parking spaces comply with the required parking spaces as per Minor Variance HM/A-15:03.
3. Building Permit # 21-142261, to convert the existing single family dwelling to contain a secondary dwelling unit is currently under review and remains not finalized.
4. A building permit is required for the conversion of the proposed Single Family Dwelling to a Single Family Dwelling with a Secondary Dwelling Unit.
5. Please be advised that a portion of this property is under Conservation Management. Please contact Hamilton Conservation at 905-525-2181 for further information.

6. The Ontario Building Code requires a clear height of 1.95m under beams and ducting in basement units.
7. 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.

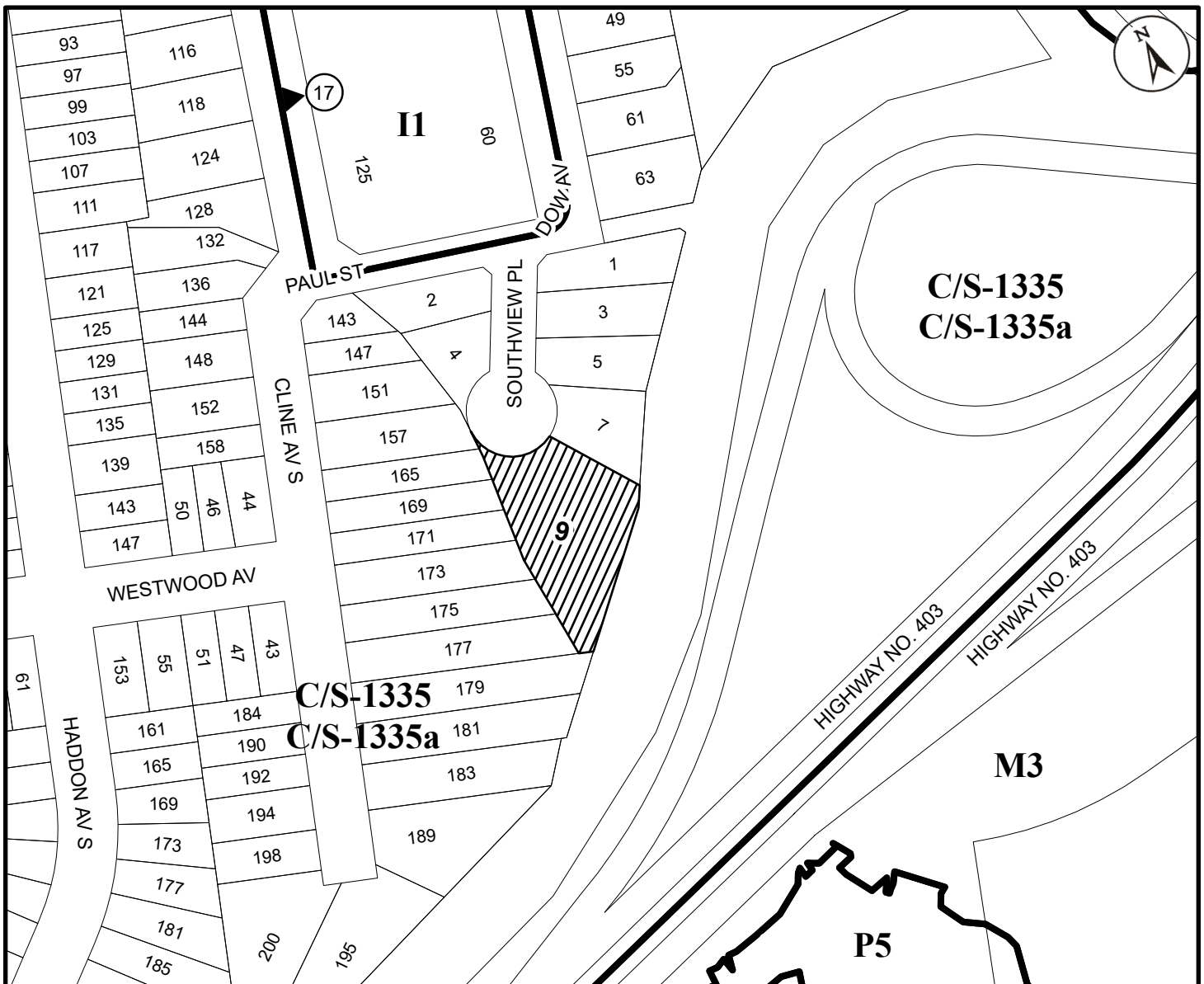
In addition to other areas, the OBC compliance may include: Fire Department Access, type of construction permitted, maximum area(s) of permitted glazed openings, and distance separation requirements to the property lines for the Secondary Dwelling Unit as well as the principle dwelling on the property. 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.

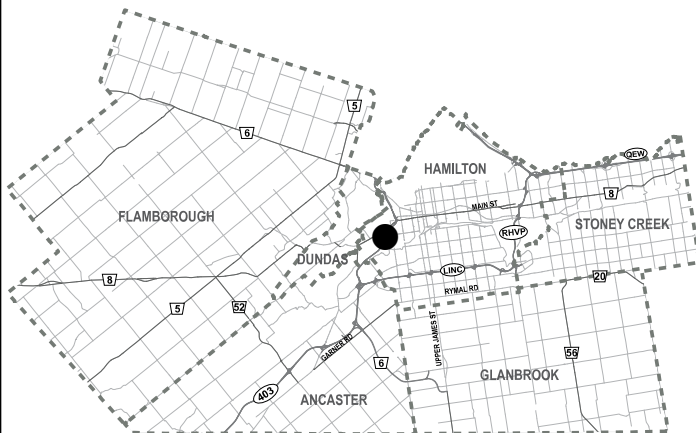
Development Engineering:

No comments.

See attached for additional comments.



● Site Location



City of Hamilton

Committee of Adjustment

Subject Property



9 Southview Place, Hamilton
(Ward 1)

File Name/Number:

HM/A-22:153

Date:

July 27, 2022

Technician:

NB

Map Not To Scale

Appendix "A"



Hamilton

PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT

HM/B-22:70 – 330 Dundurn Street South, 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)

Notes:

Note: Based on this application being approved and all conditions being met, the owner / applicant should be made aware that the lands to be retained (Part 2) will remain as **330 Dundurn Street South (Hamilton)** and the lands to be conveyed (Part 1) will be assigned the address of **444 Aberdeen Avenue (Hamilton)**.

"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/B-22:70 – 330 Dundurn Street South, Hamilton

PLANNING and ECONOMIC DEVELOPMENT DEPARTMENT

Development Planning – Urban

Purpose

The applicant is proposing to facilitate the construction of an 8 storey multiple dwelling consisting of 109 dwelling units and to sever the property to permit the partial discharge of a mortgage to facilitate the future development of the Charged Lands. The proposal is subject to Site Plan Application DA-21-133. The proposal was conditionally approved on March 16, 2022.

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. Policy F.1.14.3.1 and E.3.6.2 are applicable, amongst others and permit the proposal. Staff note that the consent application is for mortgage purposes and no physical change to the proposal is being proposed. Staff are of the opinion that the consent application shall be approved.

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) In the vicinity of distinctive or unusual landforms;
- 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)."

Cultural Heritage

As per Site Plan Control Application DA-21-133, the applicant is proposing to construct an 8-storey residential condominium development (consisting of approximately 109 units). There is an existing 3-storey retirement home to remain on-site.

The subject property is located within the Kirkendall North Established Historic Neighbourhood.

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.3.4.3.6 "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."

Notwithstanding that the property is located within the Kirkendall North Established Historical Neighbourhood, staff have reviewed the application and due to the setback location of the proposed building are of the opinion that the cultural heritage value or interest of the property and area will be conserved. Staff have no further comments on the application as circulated.

City of Hamilton Zoning By-Law 05-200

The subject lands are zoned "I3" (Major Institutional), which permits a multiple dwelling.

Variance 1

The applicant is requesting a variance to allow a maximum building height of 21.0 metres to be permitted instead of the requirement contained in Section 8.3.2.2b), and the maximum permitted building height of 18.0 metres. The intent of the provision is to ensure an appropriate built form is provided.

Staff are of the opinion that the variance maintains the intent of the By-law as the proposed building will provide a proper built form. Staff note that the proposal is stepped back appropriately. Staff are of the opinion that 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 subject site and is minor in nature, therefore, staff support the variance.

Variance 2 and 3

The applicant is requesting a variance to allow a minimum northerly side yard of 7.2 metres shall be required for any portion of the building equal to or below 21.0 metres, instead of the requirement contained in Section 8.3.2.2b)ii) that any building height above 18.0 metres may be equivalently increased as the yard increases beyond the minimum 6.0 metre side yard requirement and the minimum 6.0 metre rear yard requirement when abutting a Residential Zone and a variance to allow a minimum northerly side yard of 10.40 metres shall be required for the portion of the building above 21.0 metres, instead the requirement contained in Section 8.3.2.2b)ii) that any building height above 18.0 metres may be equivalently increased as the yard increases beyond the minimum 6.0 metre side yard requirement and the minimum 6.0 metre rear yard requirement when abutting a Residential Zone. The intent of this provision is to provide a proper massing and to create a pedestrian realm on the ground floor.

Staff are of the opinion that the proposed side yards maintain the intent of the By-law as a proper building mass is being provided and that a pedestrian realm is still being created. Staff are of the opinion that the variance is desirable for the development and minor in nature 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 subject site and is minor in nature, therefore, staff support the variance.

Variance 4

The applicant is requesting a variance to allow a minimum northerly side yard of 14.0 metres shall be provided for the portion of the building above 24.20 metres, instead the requirement contained in Section 8.3.2.2b)ii) that any building height above 18.0 metres may be equivalently increased as the yard increases beyond the minimum 6.0 metre side yard requirement when abutting a Residential Zone. The intent of this provision is to provide a proper massing and to create a pedestrian realm on the ground floor.

Staff are of the opinion that the proposed side yards maintain the intent of the By-law as a proper building mass is being provided and that a pedestrian realm is still being created. Staff are of the opinion that the variance is desirable for the development and minor in nature 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 subject site and is minor in nature, therefore, staff support the variance.

Variance 5

The applicant is requesting a variance to allow a minimum southerly side yard of 5.5 metres and a minimum rear yard of 5.5 metres shall be permitted, instead of the requirement contained in Section 8.3.2.2a) and the minimum required side yard and minimum required rear of 6.0 metres where abutting a Residential Zone. The intent of this provision is to provide sufficient access, drainage, amenity space, and sufficient distance separation from a residential zone. Staff defers any drainage concerns to Development Engineering.

Staff are of the opinion that the variance maintains the By-law as sufficient access and distance is being provided to the side and rear yards. Staff are of the opinion that the variance is desirable for the development and minor in nature 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 subject site and is minor in nature, therefore, staff support the variance.

Variance 6

The applicant is requesting a variance to allow no increase in the minimum required southerly side yard and the minimum required rear yard shall be required for the portion of the building equal or above 21.0 metres to a maximum building height of 28 metres instead the requirement contained in Section 8.3.2.2b)ii), that any building height above 18.0 metres may be equivalently increased as the yard increases beyond the minimum 6.0 metre side yard requirement when abutting a Residential Zone. The intent of the provision is to ensure a proper built form is being provided and that massing impacts to adjacent residential zones is limited.

Staff are of the opinion that the variance maintains the By-law as sufficient access and distance is being provided to the side and rear yards. Staff are of the opinion that the variance is desirable for the development and minor in nature 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 subject site and is minor in nature, therefore, staff support the variance.

Variance 7 and 8

The applicant is requesting a variance to a minimum of seventy-five (75) parking spaces shall be provided for the Multiple Dwelling, instead of the requirements contained in Section 5.6c) and the minimum eighty-five (85) parking spaces required and a variance to allow a minimum of twenty-two (22) parking spaces shall be provided for the Retirement Home, instead of the requirements contained in Section 5.6c) and the

minimum thirty-eight (38) parking spaces required. The intent of this provision is to provide sufficient parking on site.

Staff are of the opinion that the by-law is being maintained as sufficient parking is being provided for the multiple dwelling on site. Staff are of the opinion that the variance is desirable for the development and minor in nature 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 subject site and is 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 Urban Hamilton Official Plan and City of Hamilton Zoning By-law 05-200. The variances are considered to be minor in nature and desirable for the appropriate use of the property.

In conclusion, Staff recommends that the application be approved.

Zoning:

1. The requested Application for Consent/Land Severance is required to facilitate Site Plan Application No. DA-21-133, which received condition approval on March 16th, 2022.
2. Please note this application is to be heard in conjunction with Minor Variance Application HM/A-22:190.
3. 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:

Being that the proposal is for land assembly purposes and that the grading and servicing of the development is being handled under Site Plan Control Application DA-21-133, Development Approvals has no comments.

Legislative 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 (Part 2) will remain as **330 Dundurn Street South (Hamilton)** and the lands to be conveyed (Part 1) will be assigned the address of **444 Aberdeen Avenue (Hamilton)**.

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.

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: August 3, 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: 330 Dundurn Street South. Hamilton.
File: HM/B-22:70

PREAMBLE

In response to your Agenda listing for the upcoming meeting on Thursday, August 11, 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

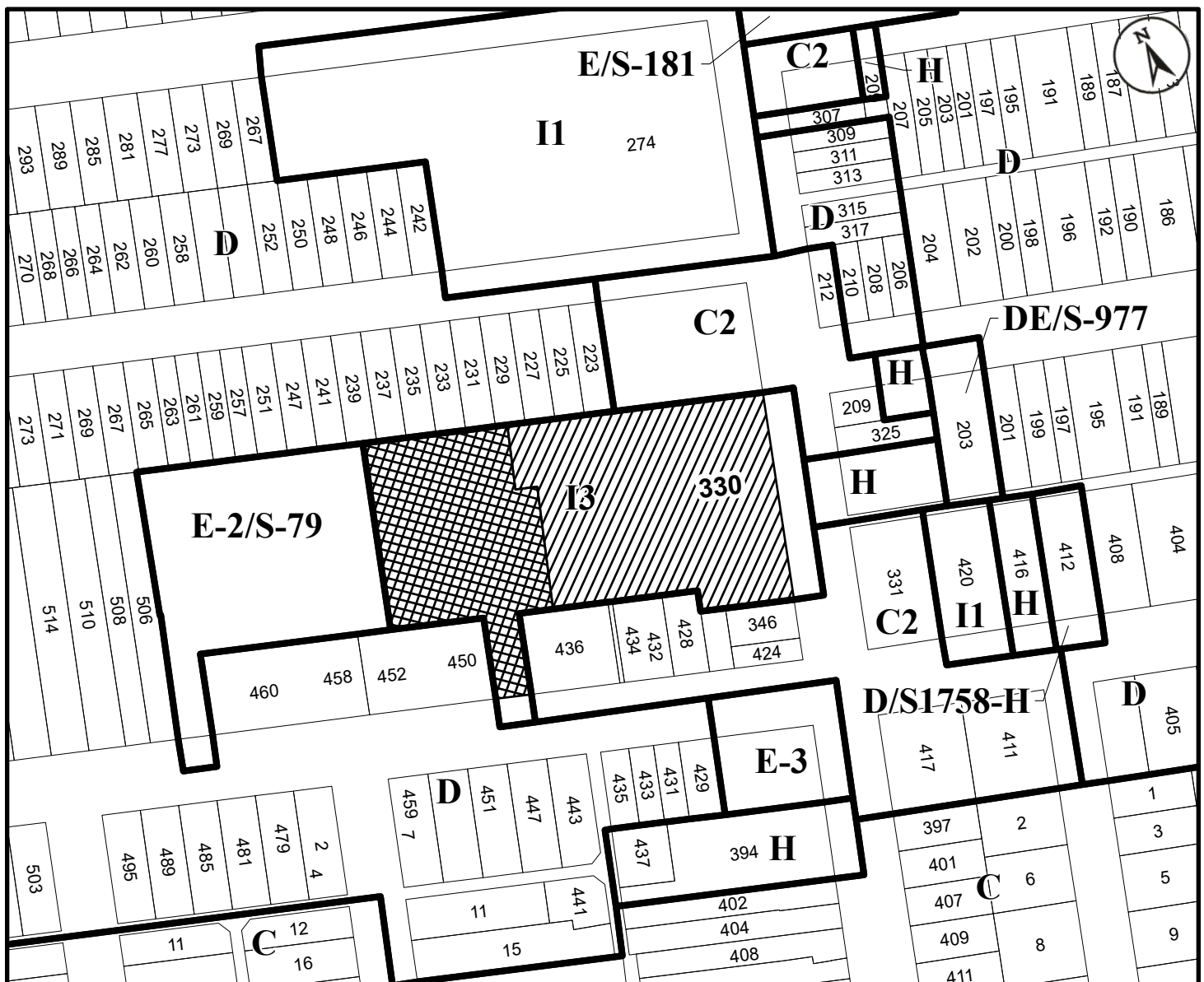
- There are no Municipal Tree Assets on site; therefore, a Tree Management Plan will not be required.
- No Landscape plan required.
- Forestry has no concerns or conditions regarding this application.

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.

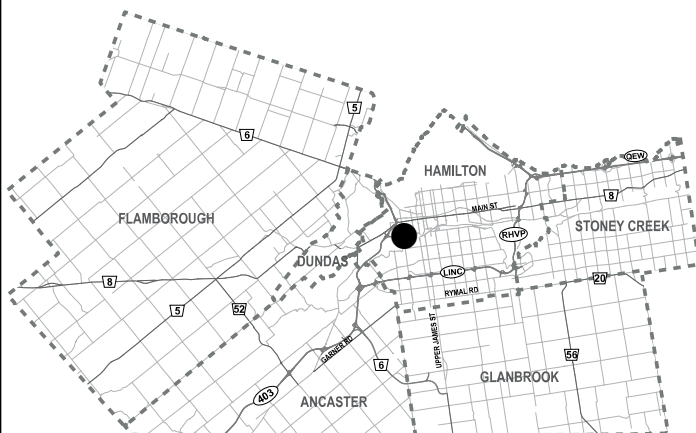
Regards,

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



Committee of Adjustment

Subject Property

330 Dundurn Street South, Hamilton (Ward 1)



File Name/Number:

HM/B-70

Date:

July 28, 2022

Technician:

NB

Map Not To Scale

Appendix "A"



PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT

HM/A-22:190 – 330 Dundurn Street South, 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):

Notes:

“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-22:190 – 330 Dundurn Street South, Hamilton

PLANNING and ECONOMIC DEVELOPMENT DEPARTMENT

Development Planning – Urban

Purpose

The applicant is proposing to facilitate the construction of an 8 storey multiple dwelling consisting of 109 dwelling units and to sever the property to permit the partial discharge of a mortgage to facilitate the future development of the Charged Lands. The proposal is subject to Site Plan Application DA-21-133. The proposal was conditionally approved on March 16, 2022.

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. Policy F.1.14.3.1 and E.3.6.2 are applicable, amongst others and permit the proposal. Staff note that the consent application is for mortgage purposes and no physical change to the proposal is being proposed. Staff are of the opinion that the consent application shall be approved.

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) In the vicinity of distinctive or unusual landforms;
- 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)."

Cultural Heritage

As per Site Plan Control Application DA-21-133, the applicant is proposing to construct an 8-storey residential condominium development (consisting of approximately 109 units). There is an existing 3-storey retirement home to remain on-site.

The subject property is located within the Kirkendall North Established Historic Neighbourhood.

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.3.4.3.6 "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."

Notwithstanding that the property is located within the Kirkendall North Established Historical Neighbourhood, staff have reviewed the application and due to the setback location of the proposed building are of the opinion that the cultural heritage value or interest of the property and area will be conserved. Staff have no further comments on the application as circulated.

City of Hamilton Zoning By-Law 05-200

The subject lands are zoned "I3" (Major Institutional), which permits a multiple dwelling.

Variance 1

The applicant is requesting a variance to allow a maximum building height of 21.0 metres to be permitted instead of the requirement contained in Section 8.3.2.2b), and the maximum permitted building height of 18.0 metres. The intent of the provision is to ensure an appropriate built form is provided.

Staff are of the opinion that the variance maintains the intent of the By-law as the proposed building will provide a proper built form. Staff note that the proposal is stepped back appropriately. Staff are of the opinion that 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 subject site and is minor in nature, therefore, **staff support the variance.**

Variance 2 and 3

The applicant is requesting a variance to allow a minimum northerly side yard of 7.2 metres shall be required for any portion of the building equal to or below 21.0 metres, instead of the requirement contained in Section 8.3.2.2b)ii) that any building height above 18.0 metres may be equivalently increased as the yard increases beyond the minimum 6.0 metre side yard requirement and the minimum 6.0 metre rear yard requirement when abutting a Residential Zone and a variance to allow a minimum northerly side yard of 10.40 metres shall be required for the portion of the building above 21.0 metres, instead the requirement contained in Section 8.3.2.2b)ii) that any building height above 18.0 metres may be equivalently increased as the yard increases beyond the minimum 6.0 metre side yard requirement and the minimum 6.0 metre rear yard requirement when abutting a Residential Zone. The intent of this provision is to provide a proper massing and to create a pedestrian realm on the ground floor.

Staff are of the opinion that the proposed side yards maintain the intent of the By-law as a proper building mass is being provided and that a pedestrian realm is still being created. Staff are of the opinion that the variance is desirable for the development and minor in nature 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 subject site and is minor in nature, therefore, **staff support the variance.**

Variance 4

The applicant is requesting a variance to allow a minimum northerly side yard of 14.0 metres shall be provided for the portion of the building above 24.20 metres, instead the requirement contained in Section 8.3.2.2b)ii) that any building height above 18.0 metres may be equivalently increased as the yard increases beyond the minimum 6.0 metre side yard requirement when abutting a Residential Zone. The intent of this provision is to provide a proper massing and to create a pedestrian realm on the ground floor.

Staff are of the opinion that the proposed side yards maintain the intent of the By-law as a proper building mass is being provided and that a pedestrian realm is still being created. Staff are of the opinion that the variance is desirable for the development and minor in nature 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 subject site and is minor in nature, therefore, **staff support the variance.**

Variance 5

The applicant is requesting a variance to allow a minimum southerly side yard of 5.5 metres and a minimum rear yard of 5.5 metres shall be permitted, instead of the requirement contained in Section 8.3.2.2a) and the minimum required side yard and minimum required rear of 6.0 metres where abutting a Residential Zone. The intent of this provision is to provide sufficient access, drainage, amenity space, and sufficient distance separation from a residential zone. Staff defers any drainage concerns to Development Engineering.

Staff are of the opinion that the variance maintains the By-law as sufficient access and distance is being provided to the side and rear yards. Staff are of the opinion that the variance is desirable for the development and minor in nature 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 subject site and is minor in nature, therefore, **staff support the variance.**

Variance 6

The applicant is requesting a variance to allow no increase in the minimum required southerly side yard and the minimum required rear yard shall be required for the portion of the building equal or above 21.0 metres to a maximum building height of 28 metres instead the requirement contained in Section 8.3.2.2b)ii), that any building height above 18.0 metres may be equivalently increased as the yard increases beyond the minimum 6.0 metre side yard requirement when abutting a Residential Zone. The intent of the provision is to ensure a proper built form is being provided and that massing impacts to adjacent residential zones is limited.

Staff are of the opinion that the variance maintains the By-law as sufficient access and distance is being provided to the side and rear yards. Staff are of the opinion that the variance is desirable for the development and minor in nature 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 subject site and is minor in nature, therefore, **staff support the variance.**

Variance 7 and 8

The applicant is requesting a variance to a minimum of seventy-five (75) parking spaces shall be provided for the Multiple Dwelling, instead of the requirements contained in Section 5.6c) and the minimum eighty-five (85) parking spaces required and a variance to allow a minimum of twenty-two (22) parking spaces shall be provided for the Retirement Home, instead of the requirements contained in Section 5.6c) and the minimum thirty-

eight (38) parking spaces required. The intent of this provision is to provide sufficient parking on site.

Staff are of the opinion that the by-law is being maintained as sufficient parking is being provided for the multiple dwelling on site. Staff are of the opinion that the variance is desirable for the development and minor in nature 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 subject site and is 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 Urban Hamilton Official Plan and City of Hamilton Zoning By-law 05-200. The variances are considered to be minor in nature and desirable for the appropriate use of the property.

In conclusion, Staff recommends that the application be **approved**.

Zoning:

1. Please note that the circulated Committee of Adjustment Comments indicated the subject file as File No. HM/A-22:196 and Folder No. 22-125775. This should be revised to read File No. HM/A-22:190 and Folder No. 22-124588 as indicated above.
2. Please note that this application is to be heard in conjunction with Application for Consent/Land Severance No. HM/B-22:190.
3. 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.
4. The requested variances are required to facilitate Site Plan Application No. DA-21-133, which received condition approval on March 16, 2022. Please note that a full zoning compliance review has not been completed as part of the submitted minor variance application; as such, the variances have been written as requested by applicant.

Development Engineering:

No comments.

See attached for additional comments.

From: [Christine Clements](#)
To: [Committee of adjustment](#)
Cc: [Jason Gerrard](#); [Jason Gerrard](#)
Subject: HM/A-22:190 - 330 Dundurn St. S., Hamilton - Upcoming Meeting for Requested Minor Variances
Date: August 8, 2022 10:24:53 PM

Hello,

I am the owner of 241 Homewood Ave.

I've lived in this neighbourhood for over 20 years, the last 4 in this house on Homewood. I even actually emailed someone through Aberdeen Gardens management website before I moved in to ask if there were any plans in place regarding a possible future development on the property as I had heard a rumour, and the response was "We currently do not have any active plans to build anything else on that property". Pretty disappointing only a few years later to now be here. And I'm not against development in Hamilton, but I do wish transparency and full honesty were more part of the process. Getting a letter notifying us of a meeting with a date that had already passed by the time the letter was written was ridiculous. We soon found out that the meeting was rescheduled but we only learned that because people asked, not because a new notice was ever sent - again, this process has started without allowing the people that will be affected by it to be given proper notice of public meetings. It shows a lack of respect for the process, as well as for the residents and businesses affected by the proposed project.

As of the date of this email, I have not received a letter in the mail notifying me of the hearing on Aug. 11, 2022 before the Committee of Adjustment related to the proposed minor variances requested for the development at 330 Dundurn St. S. I understand that notice is required to be delivered to me at least ten (10) days before the meeting by the Planning Act.

I have been forwarded information about this application by my neighbour, Jason Gerrard (at 237 Homewood Ave.). As I understand it, the applicant is requesting several minor variances that are significantly more than what is permitted by the zoning by-law. In addition to this, I understand that some of the information provided in the application and drawings do not match.

I agree with the concerns raised by Jason Gerrard that these requested minor variances are significantly more than what is permitted, and are not 'minor in nature.' I would like the Committee to include me in the concerned group of neighbours that object to these requested variances.

The City of Hamilton has by-laws regarding building projects such as this, but the amount of actual variances requested by this project team could lead one to wonder what's the point of the by-law restrictions on issues such as height and parking and set backs. I'd like to assume that the City had reasons why they made the by-laws what they are, whether it is because that is what they figured was safe, required and/or optimal for the proposed buildings, or fitting within the character for the neighbourhood. And I'm also trying to figure out how these are considered to be minor variances - they seem to be asking for a lot more than is permitted by the City's by-laws, hardly minor. The extra height and the very limited parking that won't meet the needs of the buildings are very concerning to me - as well as the proximity to all our neighbouring properties.

I am unable to attend the public hearing and agree that Jason Gerrard speaks on my behalf in this regard.

If you have any questions or concerns, please contact me via this email address.

Thank you,
(Jennifer) Christine Clements-Moffat

From: [Tim Kikkert](#)
To: [Committee of adjustment](#)
Cc: JGerrard@homestead.ca; jason.c.gerrard.2010@gmail.com
Subject: Re: HM/A-22:190 - 330 Dundurn St. S., Hamilton - Notice of Public Hearing
Date: August 8, 2022 9:58:20 PM

Greetings,

I am the owner of 247 Homewood Ave, Hamilton ON L8P2M7 along with my wife.

As of the date of this email, I have not received a letter in the mail notifying me of the hearing on Aug. 11, 2022 before the Committee of Adjustment related to the proposed minor variances requested for the development at 330 Dundurn St. S. I understand that notice is required to be delivered to me at least ten (10) days before the meeting by the Planning Act.

I have been forwarded information about this application by my neighbour, Jason Gerrard (at 237 Homewood Ave.). As I understand it, the applicant is requesting several minor variances that are significantly more than what is permitted by the zoning by-law. In addition to this, I understand that some of the information provided in the application and drawings do not match.

I agree with the concerns raised by Jason Gerrard that these requested minor variances are significantly more than what is permitted, are not 'minor in nature,' and will make a significant impact on our community without clear communication and consultation to existing and affected homeowners like myself. I would like the Committee to include me in the concerned group of neighbours that object to these requested variances.

I am unable to attend the public hearing and agree that Jason Gerrard speaks on my behalf in this regard.

If you have any questions or concerns, please contact me via this email address.

Best regards,
Tim Kikkert

From: [Giuseppe Drosi](#)
To: [Committee of adjustment](#)
Subject: jason.c.gerrard.2010@gmail.com jgerrard@homestead.ca
Date: August 8, 2022 9:20:47 PM

Hello,

I am the owner of 242 Homewood Avenue, Hamilton. On.

As of the date of this email, I have not received a letter in the mail notifying me of the hearing on Aug. 11, 2022 before the Committee of Adjustment related to the proposed minor variances requested for the development at 330 Dundurn St. S. I understand that notice is required to be delivered to me at least ten (10) days before the meeting by the Planning Act.

I have been forwarded information about this application by my neighbour, Jason Gerrard (at 237 Homewood Ave.). As I understand it, the applicant is requesting several minor variances that are significantly more than what is permitted by the zoning by-law. In addition to this, I understand that some of the information provided in the application and drawings do not match.

I agree with the concerns raised by Jason Gerrard that these requested minor variances are significantly more than what is permitted, and are not 'minor in nature.' I would like the Committee to include me in the concerned group of neighbours that object to these requested variances.

I am unable to attend the public hearing and agree that Jason Gerrard speaks on my behalf in this regard.

If you have any questions or concerns, please contact me via this email address.

Thank you,
Giuseppe Drosi.

From: [Linn Kikkert](#)
To: [Committee of adjustment](#)
Cc: jgerrard@homestead.ca; jason.c.gerrard.2010@gmail.com
Subject: Concerns regarding 330 dundurn st. s development
Date: August 8, 2022 8:31:45 PM

Hello,

I am the owner of 247 Homewood Ave, Hamilton ON L8P2M7 along with my husband.

As of the date of this email, I have not received a letter in the mail notifying me of the hearing on Aug. 11, 2022 before the Committee of Adjustment related to the proposed minor variances requested for the development at 330 Dundurn St. S. I understand that notice is required to be delivered to me at least ten (10) days before the meeting by the Planning Act.

I have been forwarded information about this application by my neighbour, Jason Gerrard (at 237 Homewood Ave.). As I understand it, the applicant is requesting several minor variances that are significantly more than what is permitted by the zoning by-law. In addition to this, I understand that some of the information provided in the application and drawings do not match.

I agree with the concerns raised by Jason Gerrard that these requested minor variances are significantly more than what is permitted, and are not 'minor in nature.' I would like the Committee to include me in the concerned group of neighbours that object to these requested variances.

I am unable to attend the public hearing and agree that Jason Gerrard speaks on my behalf in this regard.

If you have any questions or concerns, please contact me via this email address.

Thank you,

Linn Kikkert

From: [Duarte Cunha](#)
To: [Committee of adjustment](#)
Subject: HM/A-22:190 - 330 Dundurn St. S., Hamilton
Date: August 8, 2022 7:56:57 PM

Hello,

I am the owner of 244 Homewood Ave, Hamilton, Ontario.

As of the date of this email, I have not received a letter in the mail notifying me of the hearing on Aug. 11, 2022, before the Committee of Adjustment related to the proposed minor variances requested for the development at 330 Dundurn St. S. I understand that notice is required to be delivered to me at least ten (10) days before the meeting by the Planning Act.

I have been forwarded information about this application by my neighbor, Jason Gerrard (at 237 Homewood Ave.). As I understand it, the applicant is requesting several minor variances that are significantly more than what is permitted by the zoning by-law. In addition to this, I understand that some of the information provided in the application and drawings do not match.

I agree with the concerns raised by Jason Gerrard that these requested minor variances are significantly more than what is permitted, and are not 'minor in nature.' I would like the Committee to include me in the concerned group of neighbors that object to these requested variances.

I am unable to attend the public hearing and agree that Jason Gerrard speaks on my behalf in this regard.

If you have any questions or concerns, please contact me via this email address.

Thank you,
Duarte and Filomena Cunha

|

Sheffield, Jamila

From: Paul Hogeterp <paulhogeterp@gmail.com>
Sent: August 8, 2022 12:15 PM
To: Committee of adjustment
Cc: jgerrard@homestead.ca; Jason Gerrard
Subject: HM/A-22:190 - 330 Dundurn St. S., Hamilton - Upcoming Meeting for Requested Minor Variances

Hello,

I am the owner and resident of 246 Homewood Ave., Hamilton.

As of the date of this email, I have not received a letter in the mail notifying me of the hearing on Aug.11, 2022 before the Committee of Adjustment related to the proposed minor variances requested for the development at 330 Dundurn St. S. I understand that notice is required to be delivered to me at least ten (10) days before the meeting by the Planning Act.

I have been forwarded information about this application by my neighbour, Jason Gerrard (at 237 Homewood Ave.). As I understand it, the applicant is requesting several minor variances that are significantly more than what is permitted by the zoning by-law. In addition to this, I understand that some of the information provided in the application and drawings do not match.

I agree with the concerns raised by Jason Gerrard that these requested minor variances are significantly more than what is permitted, and are not 'minor in nature.' I would like the Committee to include me in the concerned group of neighbours that object to these requested variances.

I am unable to attend the public hearing and agree that Jason Gerrard speaks on my behalf in this regard.

If you have any questions or concerns, please contact me via this email address.

Thank you,
Paul Hogeterp

Sheffield, Jamila

From: Sara Yonson <sara.yonson@gmail.com>
Sent: August 8, 2022 8:20 AM
To: Committee of adjustment
Subject: HM/A-22:190 written submission

To whom it may concern,

I write to you today regarding application HM/A-22:190 for a Minor Variance at 330 Dundurn St S. I live on Homewood Ave just north of the proposed development. I would have liked to have been there in person but I am supporting my mother who just had a heart attack. My concerns relate to requests 7 and 8 regarding parking.

The development site is bounded by Aberdeen, Dundurn and Homewood. The city has instituted (unnecessary) parking restrictions on Dundurn and Aberdeen which prohibit overnight parking on the off chance city repairs or maintenance need to occur. In addition, street parking during the day is restricted on Dundurn and Aberdeen. Therefore, if future residents or employees have a vehicle and insufficient parking is available, they will be pushed onto adjacent residential streets. My block of Homewood is closest to the development and already sees parking stresses. It is not uncommon for ourselves and visitors to have to circle the block to find parking. The request for a minor variance to provide fewer parking spaces will only add to the existing parking difficulties. I am opposed to requests 7 and 8.



Also related to parking I have the following concerns:

1. The bylaw allows for units smaller than 50 m³ to have parking allocation 2/3 less than those units greater than 50 m³. According to drawings, the average size of the units is ~60 m³, so all units are on the small side. It feels like it's a game to make some units just smaller than the threshold to reduce parking requirements.
2. In application HM/B-22:70 for the same property, there is an application to sever the property, while the application treats the severed properties as one property for the purposes of parking. If in the future the condo board refuses to allow the retirement residence to own spots, or the retirement residence refuses to allow the condo to access accessible parking stalls, this will also increase parking pressure on adjacent residential streets. Each property should have sufficient parking spaces for their own uses or there must be legal mechanisms on title to commit each entity to jointly upholding the final parking allocation.

I am also concerned that the initial notice sent to neighbours was dated July 26, arrived July 28th for a July 14th meeting. Furthermore, request 1 indicates that the maximum height of the

proposed build is 21 m, when the developer previously shared 28 m. I have concerns with the process if the building is still 28 m.

I would also like to point out that both applications list the previous use of this property as the retirement home. If you go further back in time it started as an industrial property. The city should confirm whether a Record of Site Condition is required, and any historical cleanup included the entire property and was not limited to the footprint of the current retirement residence.

Thank you for your time,
Sara Yonson

Sheffield, Jamila

From: Jason Gerrard <JGerrard@homestead.ca>
Sent: August 6, 2022 2:11 PM
To: Committee of adjustment
Cc: Yo Gerrard
Subject: RE: HM/A-22:190 - 330 Dundurn St. S., Hamilton - Notice of Public Hearing
Attachments: HM.A.22.190.pdf

Hello,

I would like to offer my thoughts on the proposed variances for this development and I also have [some questions \(noted in blue text\)](#) contained below that I would like further information on, please.

As noted in my previous email, I am the owner of 237 Homewood Ave., which abuts the proposed development at 330 Dundurn St. S. on its northerly lot line.

Notice of Public Hearing Item #1 – Maximum Building Height:

- Firstly, and most importantly, a request for a variance for maximum building height is not included in Item #4 of the developer's formal application. Item #4 of the submitted "Application for A Minor Variance" directs the reader to an attached letter by SRM Architects Inc. (which is included in the downloaded PDF). The letter from SRM does not contain a request for relief from maximum building height, therefore there is no formal request for this required variance before the Committee.
- The Notice of Public Hearing downloaded from the City's website indicates that the maximum building height of 21.0m is requested (Item #1 of that Notice).
- The architectural site plan prepared by SRM indicates that the maximum building height is 28.0m.
- The Notice of Public Hearing (that identifies a maximum of 21.0m requested) is incorrect and misleading. The Notice of Public Hearing does not provide the neighbours or other interested parties with the correct information to properly assess the impact of the development and does not clearly describe the actual proposal, nor the formal request submitted in the Application For A Minor Variance.
- Finally, the maximum building height of 28.0m requested exceeds the 18.0m height permitted by 8.3.2.2.(a)(i) of the ZBL by 10.0m. This 10.0m increase represents a 55% increase over the permitted height. This 55% increase does not represent a "minor" request, which is one of the tests for granting a minor variance.
- **I object to this item in the Notice of Public Hearing for several reasons:**
 1. **There is no variance request before the Committee for an increase to the Maximum Building Height (from 8.3.2.2.(b)(i) of the Zoning By-Law) as there is no mention of this by the applicant in Item #4 of the application.**
 2. **The description provided in the Notice of Public Hearing is incorrect and misleading (identifying 21.0m when the actual request is for 28.0m).**
 3. **The proposed height increase is not minor in nature (the proposal represents a 55% increase in the overall building height: 28.0m requested vs. 18.0m permitted).**

Notice of Public Hearing Items #2 through #4 – Northerly Side Yard Setbacks:

- Item #4 of the "Application For A Minor Variance" references the attached letter from SRM Architects Inc. that indicates "*c.) Requesting relief to permit a northerly side yard setback of 7.2 m whereas the By-law requires a setback of 9.2*". This request for a singular relief has been translated by City staff into three (3) items (items #2 through and including item #4) in the Notice of Public Hearing that do not accurately replicate the variance requested in the application. Furthermore, the wording offered in these three (3) items is confusing to a

layperson (who is not familiar with Zoning By-Law jargon or associated rules) and contains inaccurate information related to the building heights (as northerly side yard setbacks are dependent on the building height and if the building height varies, different setbacks would be required for each building height setback that contravenes the Zoning By-Law). Items #2 through #4 of the Notice of Public Hearing identify different values for the “portion of the building above XX metres” that are not identified in Item #4 of the Application for A Minor Variance.

- The information provided in the Notice of Public Hearing is not the same as what is requested in Item #4 of the Application For A Minor Variance. The City has not provided the neighbours or other interested parties with accurate information in the Notice of Public Hearing that reflects the variance requested by the applicant, and therefore those parties cannot properly assess the impact of the application.
- Furthermore, the City has not provided a layperson neighbour or other interested party with sufficient information that is easily understandable, for which to assess the impact of the development on their properties.
- The information identified in the Notice of Public Hearing for these three (3) items (items #2 through to and including item #4) does not reflect the request provided in Item #4 of the “Application for A Minor Variance” submitted to the City (referring to the attached SRM letter, item (c)).
- As the building is stepped back from the property line, the request in Item #4 of the application does not properly reflect the required variances with respect to maximum building height and corresponding northerly side yard setback. The Application for A Minor Variance is required to clearly identify the specific variances requested, with all of the supporting information necessary to analyse the requested variances. With respect to the northerly side yard setback, there are multiple variances required, as individual setbacks are determined for each step-back and corresponding building height. Therefore, there are potentially two (2) or three (3) variances required to legalize the northerly side yard with respect to the proposal in front of the Committee, however Item #4 of the Application For A Minor Variance only requests one (1) variance for the northerly side yard. The Application does not properly reflect the actual variances required along the northerly side yard.
- Based on renderings provided, the building is stepped back at the 6th and 7th (or 6th 7th and 8th) floors (it is difficult to tell from the rendering). Full elevations are not provided in this application to be able to properly calculate the building height and corresponding required side yard setbacks (and insufficient information is provided on the plans submitted), so anyone other than the applicant and the City cannot determine this information for themselves. Each of these step-backs in building height would require different setback calculations. If these setbacks are not met, then individual variances would be required for each instance where the setback does not meet the ZBL. Only one (1) variance for the northerly side yard setback was identified in Item #4 of the application. Because the side yard setback is dependant on the building height (according to 8.3.2.2.(b)(ii)), the Application needs to separately identify each and every variance required for each setback that is related to a different building height that does not conform to the Zoning By-Law.
- To help me better understand the impact of this variance on my property, I would like to ask for clarification on item 8.3.2.2. (b)(ii) of the ZBL as it relates to additional height permitted, based on increasing the setbacks. My understanding is that a building that is not more than 18.0m high requires side and rear yard setbacks of 6.0m according to 8.3.2.2.(a) and (b)(i). However, based on 8.3.2.2.(b)(ii), a building can be taller than 18.0m if the setback is increased by a distance equal to the difference in height (between the proposed height and the 18.0m permitted). Therefore, can you please confirm if the setbacks I have noted below are accurate, based on the building height?
 - For building up to 18.0m high = 6.0m setback.
 - For a 21.0m high building = 6.0m + 3.0m (height diff. over 18.0m) = 9.0m setback is required?
 - For a 24.20m high building = 6.0m + 6.2m (height diff. over 18.0m) = 12.2m setback is required?
 - For a 28.0m high building = 6.0m + 10.0m (height diff. over 18.0m) = 16.0m setback is required?

I would appreciate it if a City representative could please provide me with confirmation on the above calculations. If they are incorrect, I would like City Staff to please prove me with the required setbacks for each of the four (4) bullet points above.

- I would also like to know how far the Level 6 balcony shown on the architectural site plan encroaches into the side yard to ensure conformance with ZBL item 4.6 (e). This information is critical to the northerly side yard calculation and I would like to know the value, please.

- In order to help provide clarity to the proposal, it seems necessary for the applicant to identify where the building exceeds the 18.0m permitted height and, where they exceed, they must identify the building height and associated setback (for each building step-back) for each minor variance required.
- Based on the architectural site plan, the proposed setback for the 8th floor (assumed to be the maximum 28.0m high) from the northerly lot line is 14.0m. According to ZBL 8.3.2.2.(b)(ii), the required side yard setback for a 28.0m high building is 16.0m (6.0m min. setback + 10.0m diff. to max. bldg. height). Therefore, the proposed setback of 14.0m for the upper-most floor is 2.0m (12%) less than the 16.0m setback required.
- **I object to this requested variance for several reasons:**
 1. **Multiple variances would be required due to the different building heights proposed along the northerly side yard, however Item #4 of the Application For A Minor Variance does not accurately represent these multiple variances required for the different heights along this property line.**
 2. **There is not enough information provided by the applicant (in Item #4 of the Application For A Minor Variance or on the drawings) to calculate the exact setbacks (and any required variances) for different parts of the building that are different heights. The heights are not identified and the corresponding setbacks are not identified.**
 3. **The variance requested in Item #4 of the application is not accurately described in the Notice of Public Hearing. The information in the Notice of Public Hearing document is confusing and does not properly describe the actual variances requested. Item #4 of the application requests one variance, however City Staff have translated that into three (3) separate points in the Notice of Public Hearing, that do not accurately represent the variance requested.**
 4. **A 12% reduction of the required side yard is not minor in nature.**

Notice of Public Hearing Items #5 and #6 – Southerly Side Yard Setbacks:

- The information identified in the Notice of Public Hearing for these two (2) items does not reflect the request provided in Item #4 of the application (referring to the attached SRM letter, item (a)).
- There is no indication of the height along the south lot line in the application, however based on renderings provided, it appears that the building is the full 28.0m at this lot line.
- If this is the case, and if my calculations above are correct, the required side yard setback for a 28.0m high building is actually 16.0m. **I would appreciate confirmation from City Staff if my calculations are correct or not.**
- The proposed southerly side yard shown on the architectural site plan is 5.5m. This represents a 66% reduction in the required side yard.
- The application states that the required setback is 9.2m. I would like the City to confirm if this is correct (based on my calculation confirmation above). If this were the case, the 5.5m proposed yard would represent a 40% reduction to the required yard.
- **I object to this/these requested variance(s) for several reasons:**
 1. **The requested 5.5m setback is significantly less than required.**
 2. **There is not enough information provided by the applicant on the building height along the southerly lot line to accurately determine the required setback.**
 3. **I question whether the required setback is indeed 9.2m or if it is greater (based on the building height).**
 4. **If a 9.2m setback is required and correct, the 5.5m requested represents a 40% reduction, which is not minor in nature.**
 5. **If the required setback is greater than 9.2m (possibly as much as 16.0m), the reduction would be greater (approx. 65%), which is also not minor in nature.**

Notice of Public Hearing Items #7 and #8 – Parking:

- The variance requested in Item #4 for the application does not accurately reflect the information provided in the Notice of Public Hearing.
- The architectural site plan shows 38 spaces provided for the “Retirement” residence and 59 spaces for the “Condo & Visitor”. This does not match the 22 and 75 spaces respectively requested in the application.

- Most of the parking for the retirement residence will not be located on their site. In accordance with ZBL Items 5.1.(a)(ii) and (iii), an agreement must be registered on both titles to permit this. In order to draft such an agreement, the total number of spaces proposed for the retirement residence must first be confirmed (as there is the discrepancy above between the variance requested on the application letter and the accompanying architectural site plan). Secondly, the spaces that are to be reserved for the Aberdeen Gardens must be identified on the site plan and underground parking plans, and/or a plan that should be included in the agreement required by ZBL 5.1.(a)(iii). Finally, the neighbours are looking for the spaces to be physically signed and reserved for Aberdeen Gardens' use on site and in the underground garage for as long as the retirement home is in operation and the agreement is in place. There is concern that the legal requirement for these spaces to be used solely by Aberdeen Gardens may be forgotten overtime if the spaces are not physically signed during day-to-day operation for the life of the development. Parking is a highly-valued commodity in this neighbourhood and specifically within the impact radius of this development and any legal agreements made to permit this development must continue throughout day-to-day operations in perpetuity.
- I recognize that the ZBL offers a reduced parking rate of 0.3 space per unit that is less than 50.0 sq.m. There are 34 apartments that are shown on the architectural site plan as being less than 50 sq.m., therefore only 10 spaces are provided for these 34 units. The remaining 75 apartments would require 1-space each, for a total of 85 total required spaces (however only 75 are proposed for condos & visitors).
- Visitors spaces should be clearly identified and signed (in the final development) to ensure an adequate amount of visitor parking is provided on-site.
- There are no metrics in Part 5 of the ZBL to identify how many spaces must be assigned for visitors, however based on other municipalities, visitor parking requirements average around 25-30% of total spaces required. Of the 75 total spaces proposed for the apartment building, 25% would be 19 spaces that should be designated as visitors.
- If 19 of the 75 spaces were designated as visitors, that would only leave 56 spaces available for condo residents. Therefore, only 56 of the 109 condo owners (~50%) could have a parking space on-site.
- Overall, the development would require 123 total parking spaces for the condo building, retirement residence and visitors, but only 97 spaces are being provided. This represents a 21% reduction in the total number of spaces.
- The Zoning By-Law already offers relaxation for parking spaces for smaller units (0.3 spaces per unit vs. 1.0 spaces per unit), and the developer is requesting an additional 10 fewer spaces.
- This development is in a desirable location within the City. The site is in close proximity to the highway, in a mature, well established and aesthetically appealing neighbourhood. As we have seen in Southern Ontario over the past several years, housing prices in Toronto and other large nearby cities are skyrocketing, and there is a growing trend whereby people that currently live in Toronto are looking for properties outside of Toronto with close access to the highway to allow for commuting back to these larger cities. Hamilton has seen an increase in buyers for this very reason, particularly in the Kirkendall neighbourhood, where we are in a nice area very close to the highway. Commuters often have (or need) cars to get to and from work, and they want to park them at their homes. This development is an ideal location for these trend followers who are leaving the larger cities and looking for something more cost effective, with close access to the highway. It is anticipated that more than 50% of the condo buyers would have at least one car, which is more than the number of parking spaces allotted for the residents of the apartment building portion of the development.
- The overall parking metrics do not take into account that some households may have more than one car.
- In addition to this, there is already a significant deficiency of on-street parking in the area.
 - There are only eight (8) on-street spaces on Dundurn St. S. (three in front of Aberdeen Gardens and five in front of the small strip mall at 318 Dundurn St. S.).
 - On-street parking spaces provided on Aberdeen Ave., west of Dundurn, are signed as a Snow Route and no parking or stopping is permitted between 7am-9am.
 - Street parking on Homewood Ave. and Stanley Ave. is permitted on one-side of each street for half of the month only. These spaces are used everyday of the year, with many people parking overnight. In the evenings, there are maybe only 5% of the spaces free, if any.
 - Earl Kitchener Public School (located on Dundurn St. S. between Homewood Ave. and Stanley Ave.) currently creates an influx of vehicles and pedestrians during school times (drop-off and pick-up) which

significantly congest both streets (Homewood and Stanley), as parents park on both sides of both streets or block driveways when there is no space for them to stop. In addition to this, the school's existing parking lot is undersized, leaving several teachers and other school staff to park on the street on Homewood or Stanley.

- Additional overflow parking from the new development would exacerbate the current shortages of parking in all of these locations and would increase the congestion on Homewood and Stanley during school times.

- **I object to this/these variance(s) for the following reasons:**

1. **The number of spaces requested in Item #4 of the application does not match the breakdown shown on the architectural site plan.**
2. **The location of the off-site parking spaces that are to be reserved for the retirement residence must be registered on both titles, and must be clearly identified on the site plan and underground parking plans and clearly signed throughout the life of the development. There is concern that the actual use of the parking spaces could change in the future, if subsequent Owners or Condo Boards are not familiar with the required legal agreements related to this configuration. The condominium corporation must be incorporated and the parking agreement required by ZBL 5.1(a)(iii) be drafted and signed prior to occupancy of the new development.**
3. **Reduced parking metrics for smaller apartments are provided for in the ZBL, however it is expected that residents in these smaller apartments will still have cars for out-of-town commuting.**
4. **The reduced parking metrics in conjunction with the fewer spaces requested for the apartment building seems to only allow approximately 50% of the apartments with dedicated parking spaces. It is expected that more than 50% of the new residents will have cars, which will result in these cars being parking in visitor's spaces, in spaces reserved for the retirement residence or on nearby streets, which are already significantly full.**
5. **Overall, the 97 total parking spaces represents a 21% reduction in the total number of parking spaces required for the site, which is not minor in nature.**

Rear Yard Setback (Not Shown in Notice of Public Hearing):

- There is a request for a variance for the rear yard setback included in Item #4 of the application, but there is no mention of this request in the Notice of Public Hearing. This is misleading and does not provide neighbours or other interested parties with the appropriate information to assess the impact of the development on their properties.
- The application requests a 5.5m rear yard, whereas a 9.2m yard is required. This request represents a 40% reduction (similar to the south side yard setback).
- The application does not note the height of the building along the rear property line to assist with proper calculation of the required setback (as the rear yard setback is the same as the side yard setback noted in ZBL 8.3.2.2.(a) and (b)).
- Based on renderings provided, it appears that the building is the maximum height of 28.0m along the rear (west) lot line. If my interpretation of 8.3.2.2.(b)(ii) is correct, a 28.0m high building would require a 16.0m rear yard setback. The request for a 5.5m setback would represent a 65% reduction in the rear yard setback.
- **I object to this/these requested variance(s) for the following reasons:**
 1. **There is insufficient information provided in the Notice of Public Hearing to all neighbours or other interested parties to assess the impact of the development on their properties.**
 2. **There is not enough information provided by the applicant on the building height along the southerly lot line to accurately determine the required setback. I question whether the required setback is indeed 9.2m or if it is greater (based on the building height).**
 3. **The requested 5.5m setback is significantly less than required.**
 4. **If a 9.2m setback is required and correct, the 5.5m requested represents a 40% reduction, which is not minor in nature.**
 5. **If the required setback is greater than 9.2m (possibly as much as 16.0m), the reduction would be greater (as high as 65%), which is obviously worse, and definitely also not minor in nature.**

As explained above, there are significant discrepancies between the actual variances requested by the applicant under Item #4 of the "Application for A Minor Variance", which is the basis of the requested variances. In the 'Submission Requirements and Information' section included at the front of the City's Minor Variance Application form, page 5, item 4.3 relates to Item 4 of the Application form. The instructions noted in this portion are very clear to emphasize the importance of the written descriptions provided in Item 4 of the application and how those descriptions are what the Decision would be formulated from. Item 4.3.(2) states that "staff processing the minor variance application cannot look beyond the information provided in Item 4 and must process your application on the basis of information in Item 4" however there is information provided in the Notice of Public Hearing that does not match the information requested by the applicant. This leads to a significant impairment and disadvantage for neighbours and other interested parties to be able to properly assess the impact of the development on our properties and interests.

Based on this alone, there is no variance request before the Committee related to Maximum Building Height. Setbacks that would be required to permit an increase in the Maximum Building Height are not provided and therefore, this application cannot be approved by the Committee based on 4.3.(3).

Excerpt of Minor Variance Application form Submission Requirements and Information item 4.3

4.3 Item 4

- 1) This item is extremely important as this is the reason for the application. The Notice of Hearing for the application and the Decision are both formulated from this item. It is imperative that the applicant clearly indicate all of the variances being applied for in exact mathematical terms with proposed figures. If the applicant has any doubt as to why a variance application is necessary or as to the detail of the nature of the variances, then the applicant should contact the Building or Development Planning.
- 2) The staff processing the minor variance application cannot look beyond the information provided in Item 4 and must process your application on the basis of information in Item 4. **This Is Your Application. Make Sure You Know The Details Of Exactly Why You Have To Apply To The Committee Of Adjustment.**
- 3) Any errors or omissions in Item 4 could result in discovery at the hearing that there is need for additional variances or a change requiring recirculation of your application resulting in further delay and in some cases the need for submission of an additional application with a further application fee.
- 4) If the application is being made for a Second Dwelling Unit it must be clearly noted, specific policies apply.
- 5) If the scope of work involves a reconstruction of an existing dwelling (building being all or partially demolished) it must be clearly noted, specific policies apply.

As I requested above, I would appreciate some clarification on the building height and setback calculations I have noted in blue text.

I will be attending the public hearing this coming Thursday and I will be speaking on my concerns.

Best regards,
Jason

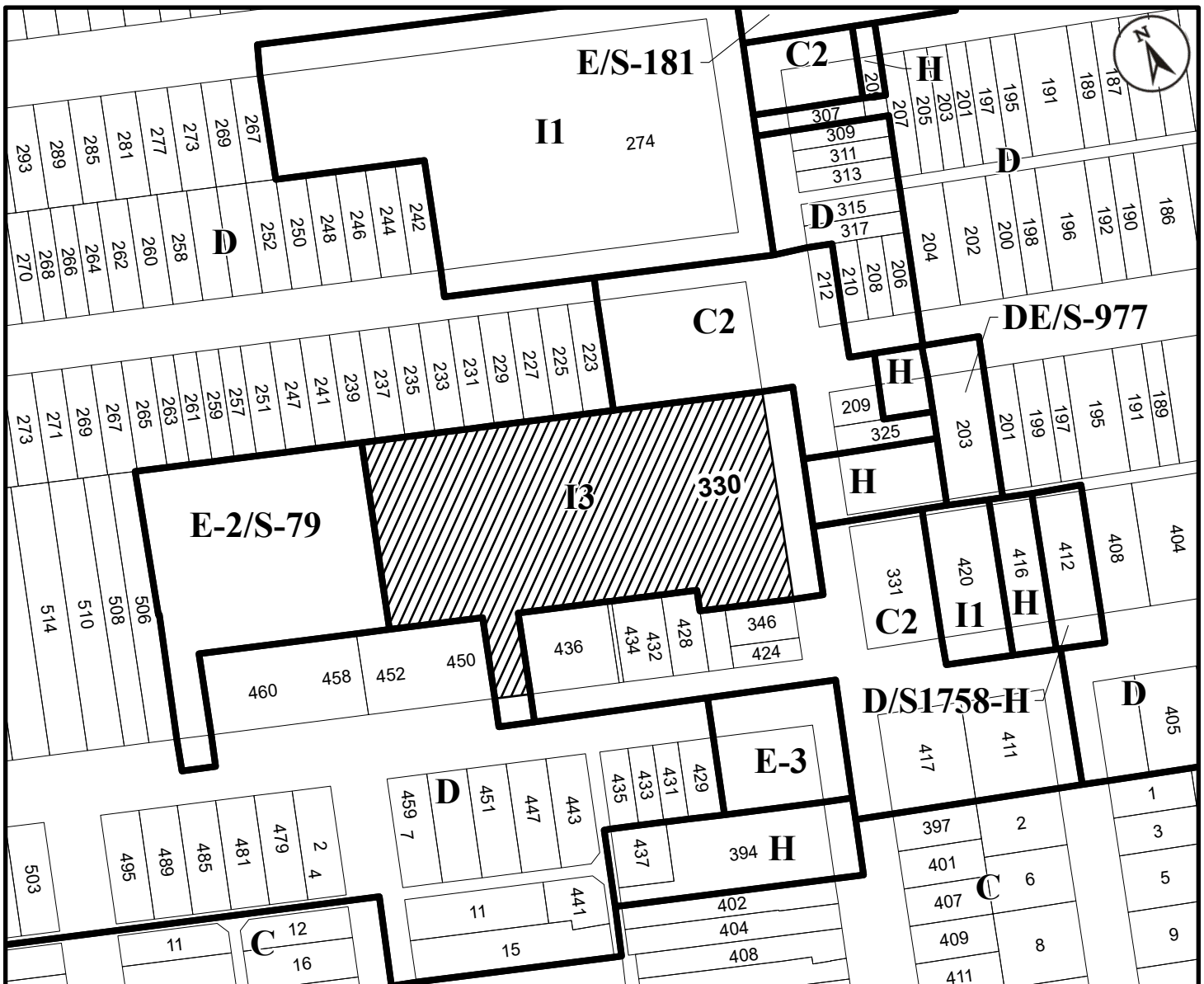


Jason Gerrard | Senior Project Manager, Property Standards & Construction

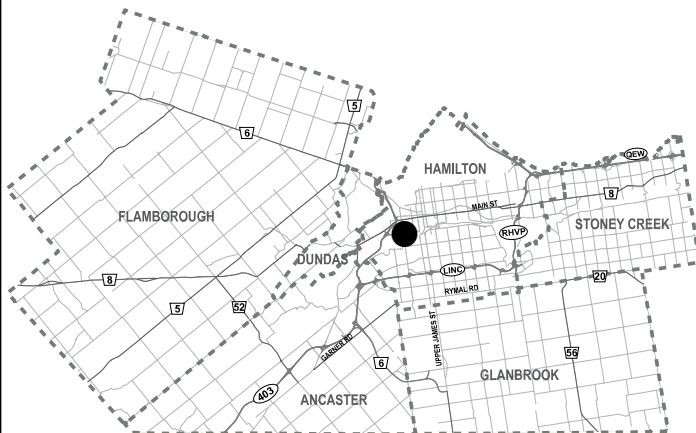
Homestead Land Holdings Limited

5555 North Service Road, Suite 200, Burlington, ON, L7L 5H7

p: 905-335-3122 | c: 289-442-2529



● Site Location



City of Hamilton

Committee of Adjustment

Subject Property



330 Dundurn Street South, Hamilton
(Ward 1)

File Name/Number:

HM/A-22:190

Date:

July 28, 2022

Technician:

NB

Map Not To Scale

Appendix "A"



Hamilton

PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT

AN/B-21:94 – 2943 Jerseyville Road West, Ancaster

Consolidation Report

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

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

1. The owner shall submit a deposited Ontario Land Surveyor's Reference Plan to the Committee of Adjustment Office, unless exempted by the Land Registrar. The reference plan must be submitted in pdf and also submitted in CAD format, drawn at true scale and location and tied to the City corporate coordinate system. (Committee of Adjustment Section)
2. The owner shall pay any outstanding realty taxes and/or all other charges owing to the City Treasurer. (Committee of Adjustment Section)
3. The owner submits to the Committee of Adjustment office an administration fee, payable to the City of Hamilton, to cover the costs of setting up a new tax account for each newly created lot. (Committee of Adjustment Section).
4. The owner shall submit documentation showing the merging of 3011 Jerseyville Road West with the retained lot to the satisfaction of the Manager of Development Planning.
5. The owner shall demolish the existing agricultural outbuildings on the lands to be conveyed to the satisfaction of the Manager of Development Planning.
6. The owner provides documentation confirming the total land area comprising of the consolidated farm operation to the satisfaction of the Manager of Development Planning.
7. To the satisfaction of Director, Hamilton Water, the applicant shall complete a Scoped Hydrogeological Report focusing on the applicant's private water supply (quantity and quality).
8. Transportation Planning has no objection to the land severance application provided the following conditions be met, to the satisfaction and approval of the Manager, Transportation Planning:
 - a. The existing right-of-way at the subject property is approximately 20.0 metres. Approximately ± 3.0 metres are to be dedicated to the right-of-way on Jerseyville Road, as per the Council Approved Rural Official Plan: Schedule C-1 - Future Right-of-Way Dedications. Jerseyville Road is to be 26.213 metres. A survey

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

9. 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).
10. 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 Section).
11. The applicant shall provide confirmation of the existing uses on the lands to be retained and conveyed in order to determine compliance with the permitted uses of the “A1” 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 Section).
12. The owner shall submit survey evidence that the lands to be severed, including: the location of any existing structure(s) including accessory buildings; parking (including number of spaces, size, aisle width, access driveway, location and setback of parking spaces); lot coverage of accessory buildings; height of accessory buildings and vehicular entrance and access driveway to accessory buildings; and, Minimum Distance Separation Formula, 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 Section).
13. 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, to the satisfaction of the Planning and Economic Development Department (Building Division –Plan Examination Section).
14. 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 Section).
15. The Owner must enter into with the City of Hamilton and register on title, 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 any outstanding servicing cost for the existing municipal services adjacent to the property, 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), driveway approaches, relocation of any existing infrastructure and any damage during construction (unknown costs at this time), to the satisfaction of the City's Manager of Development Approvals. Cash payments mentioned above are subject to change.

16. That the owner provide a cash payment to the City for the future urbanization of the street based on the frontage of the severed portion of the property and the "New Roads Servicing Rate" at the time of payment to the satisfaction of the Manager of Engineering Approvals Section.
17. That the Owner submits an assessment prepared by a qualified professional to demonstrate that the existing private services i.e. water well and septic system, if any, are in good working condition to continue to support the existing dwellings and that the lot size is sufficient to provide for a reserve septic bed and/or a new water well if required all supported by the existing soil conditions to the Source Water Protection Section staff and the Manager of the Engineering Approvals Section.

Notes:

Note from Cultural Heritage: Cultural Heritage support the retention of the circa 1876 built heritage resource, however, the contextual value of the agricultural landscape will be impacted through a severance. Staff have no further comments on the application as circulated.

Note: Based on this application being approved and all conditions being met, the owner / applicant should be made aware that the lands to be conveyed will remain as **2943 Jerseyville Road West (Ancaster)** and the lands to be retained will be assigned the address of **2925 Jerseyville Road West (Ancaster)**.

AN/B-21:94 – 2943 Jerseyville Road West, Ancaster

PLANNING and ECONOMIC DEVELOPMENT DEPARTMENT

Development Planning – Rural

Background

This surplus farm dwelling severance application was previously conditionally approved at the January 20th, 2022 Committee of Adjustment meeting. After conversations with staff, the applicant is requesting to revise their application to merge the retained agricultural lands with 3011 Jerseyville Road West in order to remove the conditions for an Rural Hamilton Official Plan and Zoning By-law Amendment.

Severed lands:

137.69m± x 88.27m± and an area of 1.03 per ha±

Retained lands:

232.00m± x 170.00m± and an area of 5.31 per ha±

Provincial Policy Statement

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

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

c) a residence surplus to a farming operation as a result of farm consolidation, provided that:

1. the new lot will be limited to a minimum size needed to accommodate the use and appropriate sewage and water services; and

2. the planning authority ensures that new residential dwellings are prohibited on any remnant parcel of farmland created by the severance. The approach used to ensure that no new residential dwellings are permitted on the remnant parcel may be recommended by the Province, or based on municipal approaches which achieve the same objective;”

The proposed severance is consistent with the policies of the Provincial Policy Statement.

Greenbelt Plan:

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

“4.6 Lot Creation

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

The proposed severance conforms to the Greenbelt Plan.

Rural Hamilton Official Plan:

The Rural Hamilton Official Plan designates the property as Agriculture in Schedule D – Rural Land Use Designations. The following policies amongst others apply:

1.14.2.1 The following policies shall apply to all severances and lot additions, including minor lot line adjustments and boundary adjustments in the Agriculture, Rural, Specialty Crop, and Open Space designations, and designated Rural Settlement Areas, as shown on Schedule D – Rural Land Use Designations: (OPA18)

- a) Severances that create a new lot for the following purposes shall be prohibited:

i) Residential uses except in accordance with:

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

2) Policies F.1.14.2.1 b) iv) and F.1.14.2.4, where a dwelling within a designated Rural Settlement Area may be severed;

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

- a) In all cases where surplus farm dwellings are to be severed the following shall apply:

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

"Lands Merged in Title

- b) In cases of a farm dwelling made surplus as a result of merging in title of abutting parcels of land into one ownership on which farm operations are conducted, applications for severance shall comply with the following

conditions:

- i) The owner and operator of the farm maintains another existing dwelling on land that has been merged in title;
- ii) In cases where one of the farm parcels does not contain an existing farm dwelling, Policy F.1.14.2.8 b) i) shall not apply.
- iii) The area of the merged farm parcel after the surplus farm dwelling lot is severed shall generally be a minimum of 8.1 hectares (20 acres) in size for lands designated Specialty Crop on Schedule D - Rural Land Use Designations, or 16.2 hectares (40 acres) in size for lands designated Agriculture or Rural on Schedule D - Rural Land Use Designations; and
- iv) The lot to be created for the surplus farm dwelling shall comply with the provisions of Section F.1.14.2.8 a) of this Plan. Lands Not Merged in Title"

Staff note that the applicant is now proposing to merge the retained 5.31 ha agricultural parcel with the adjacent 74 ha agricultural property at 3011 Jerseyville Road, therefore the proposed consent is to facilitate a surplus farm dwelling severance as recognized under the Section F1.14.2.8 b) of the Rural Hamilton Official Plan. With the proposed merging of the two agricultural properties, an Rural Hamilton Official Plan and Zoning By-law Amendment application is no longer required to recognize the reduced lot area and to restrict development of a new dwelling on the retained 5.31 ha agricultural parcel.

Planning staff have reviewed the information provided with the Consent application and have identified the one new condition to be applied to the Consent that the applicant be required to merge the retained agricultural land with 3011 Jerseyville Road W as per Subsections 3 and 5 of Section 50 of The Planning Act.

Hamilton Zoning By-law No. 05-200

The subject lands are zoned A1 (Agriculture) Zone to which the proposed uses comply. The proposed retained farm parcel does not comply with the minimum lot area requirements, (40.4 ha double check) therefore the owner will have to amend Zoning By-law 05-200.

Recommendation

Based on the preceding information, Staff recommend approval with the following conditions are met:

1. The owner shall submit documentation showing the merging of 3011 Jerseyville Road West with the retained lot to the satisfaction of the Manager of Development Planning.
2. The owner shall demolish the existing agricultural outbuildings on the lands to be conveyed to the satisfaction of the Manager of Development Planning.
3. The owner provides documentation confirming the total land area comprising of the consolidated farm operation to the satisfaction of the Manager of Development Planning.

Note from Cultural Heritage: Cultural Heritage support the retention of the circa 1876 built heritage resource, however, the contextual value of the agricultural landscape will be impacted through a severance. Staff have no further comments on the application as circulated.

Zoning:

1. Please note that previous zoning comments regarding Application for Consent/Land Severance No. AN/B-21:94, provided on January 14th, 2022, shall remain applicable.

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).
2. The owner shall receive final approval of any necessary variances from the requirements of the Zoning By-law as determined necessary by the Planning and Economic Development Department (Building Division – Zoning Section).
3. The applicant shall provide confirmation of the existing uses on the lands to be retained and conveyed in order to determine compliance with the permitted uses of the “A1” zone or alternatively apply for and receive final approval of a Zoning By-law Amendment as determined necessary by the Planning and Economic Development Department (Building Division – Zoning Section).
4. The owner shall submit survey evidence that the lands to be severed, including: the location of any existing structure(s) including accessory buildings; parking (including number of spaces, size, aisle width, access driveway, location and setback of parking spaces); lot coverage of accessory buildings; height of accessory buildings and vehicular entrance and access driveway to accessory buildings; and, Minimum Distance Separation Formula, 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, to the satisfaction of the Planning and Economic Development Department (Building Division –Plan 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 (Building Division – Zoning Section).

Development Engineering:

According to our GIS records, there are currently no existing municipal water, sanitary or storm sewer services along Jerseyville Road West. The site is located outside the Urban boundary.

Jerseyville is classified as a Rural Collector Road per the Rural Hamilton Official Plan. Please refer to Transportation Planning comments for right-of-way widening, access and/or daylight triangle related comments, if any.

Currently, the existing street has a rural cross section. Therefore, as a condition of approval the owner is required to provide a cash payment to the City for the future urbanization of the street based on the “New Road Servicing Rates”.

Both severed and retained lots shall have self contained drainage, with their respective, separate stormwater outlets. Furthermore, both lots are to have separate private water and sewage services.

Recommended Conditions:

1. The Owner must enter into with the City of Hamilton and register on title, 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 any outstanding servicing cost for the existing municipal services adjacent to the property, 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), driveway approaches, relocation of any existing infrastructure and any damage during construction (unknown costs at this time), to the

satisfaction of the City's Manager of Development Approvals. Cash payments mentioned above are subject to change.

2. That the owner provide a cash payment to the City for the future urbanization of the street based on the frontage of the severed portion of the property and the "New Roads Servicing Rate" at the time of payment to the satisfaction of the Manager of Engineering Approvals Section.
3. That the Owner submits an assessment prepared by a qualified professional to demonstrate that the existing private services i.e. water well and septic system, if any, are in good working condition to continue to support the existing dwellings and that the lot size is sufficient to provide for a reserve septic bed and/or a new water well if required all supported by the existing soil conditions to the Source Water Protection Section staff and the Manager of the Engineering Approvals Section.

Legislative 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 conveyed will remain as **2943 Jerseyville Road West (Ancaster)** and the lands to be retained will be assigned the address of **2925 Jerseyville Road West (Ancaster)**.

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 be met, to the satisfaction and approval of the Manager, Transportation Planning:

- a. The existing right-of-way at the subject property is approximately 20.0 metres. Approximately ± 3.0 metres are to be dedicated to the right-of-way on Jerseyville Road, as per the Council Approved Rural Official Plan: Schedule C-1 - Future Right-of-Way Dedications. Jerseyville Road is to be 26.213 metres. A survey conducted by an Ontario Land Surveyor and at the Applicant's expense will determine the ultimate dimensions for the right-of-way widening(s).

Source Protection Planning:

Our previous comments still apply:

Comments/Background/Information: Given that the proposed severance exceeds 1 hectare, we have no concerns on the sustainability of the proposed lot size. Based on Rural Hamilton Official Plan C.5.1.1 e) and g):

e) The private water supply and sewage disposal systems shall be capable of sustaining the proposed and existing uses within acceptable levels of on-site and off-site water quantity and quality impacts, including nitrate impact;...

g) "The existing or proposed water supply system shall include a well with sufficient quantity of water and with potable water supply to sustain the use..."

A scoped Hydrogeological Report will be required to demonstrate that the existing private services meet the sustainable servicing policies of the Rural Hamilton Official Plan. A scope of work would include:

1. The applicant shall forward the Ministry of Environment Water Well Record for the existing well to Source Protection Planning for our review. If the Water Well Record can not be located OR if the well is more than 10 years old, it shall be inspected by a licensed water well contractor for its condition and its sustainable pumping rate verified to demonstrate that the existing well can continue to sustainably support the residential use. Any improvements to the condition of the well suggested by the water well contractor (i.e. in order to comply with Regulation 903) shall be implemented and associated documentation shall be forwarded to Source Protection Planning for review. Find licensed water well contractors here: <https://www.ontario.ca/page/find-licenced-well-contractors>
2. The water well contractor or other qualified professional (P.Eng, P.Geo) shall obtain representative water quality samples from the onsite well. Parameters to be analyzed shall be at minimum, general chemistry, major ions, nutrients, metals, E. coli, total coliforms. Find licensed laboratories here: <https://www.ontario.ca/page/list-licensed-laboratories>
3. A revised site plan shall indicate the location of the well and septic system components (tank(s) and leaching bed) and demonstrate that the locations conform with minimum clearance distances within Part 8 of the Ontario Building Code. A reserve area bed shall also be delineated to conform to Rural Hamilton Official Plan requirements.

It is acknowledged that this report was not a condition of the original severance, however subsequent Official Plan conformity exercises since 2018 have demonstrated that this report is required to conform to the Rural Hamilton Official Plan.

Recommendation

Approve with conditions.

Conditions

To the satisfaction of Director, Hamilton Water, the applicant shall complete a Scoped Hydrogeological Report focusing on the applicant's private water supply (quantity and quality).

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: August 2, 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: 2943 Jerseyville Road West, Ancaster
File: AN/B-21:94

PREAMBLE

In response to your Agenda listing for the upcoming meeting, 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.

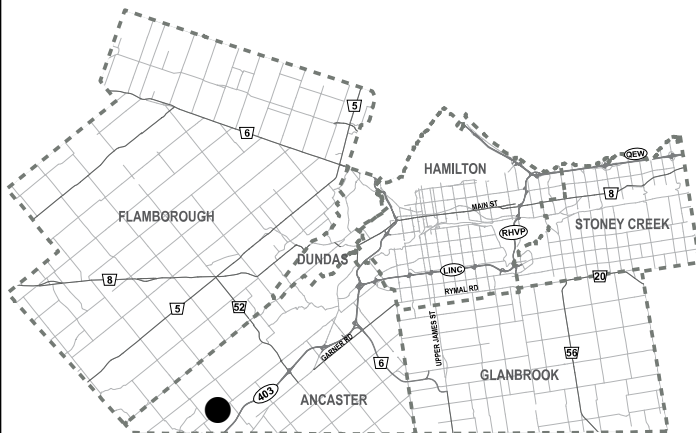
Regards,

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

Sam Brush
Urban Forest Health Technician



● Site Location



City of Hamilton

Committee of Adjustment

Subject Property

2943 Jerseyville Road West, Ancaster
(Ward 12)



Lands to be Retained



Lands to be Severed

File Name/Number:

AN/B-21:94

Date:

July 28, 2022

Technician:

NB

Map Not To Scale

Appendix "A"



Hamilton

PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT

AN/A-22:226 – 183 Sunnyridge Road, 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):

Notes:

“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-22:226 – 183 Sunnyridge Road, Ancaster

PLANNING and ECONOMIC DEVELOPMENT DEPARTMENT

Development Planning – Rural

Rural Hamilton Official Plan

The Rural Hamilton Official Plan designates the property as “Rural Settlement Area” in Schedule “D” – Rural Land Use Designations, to which the use is permitted.

Jerseyville Rural Settlement Area Plan

The Jerseyville Rural Settlement Area Plan designated the property as “Settlement Residential” in Volume 2: Map 3 to which the use complies.

Hamilton Zoning By-law No. 05-200

The lands are zoned Settlement Residential (S1) to which the proposed use complies.

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

The applicant is seeking a variance to allow for a maximum aggregate gross floor area of 74.5m² 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 square metres or 7.5% total lot coverage, whichever is the lesser.

Staff note that the accessory structure coverage will be 3.5 % and will remain subordinate to the existing dwelling which has a ground floor area of 122.15 sq m. Staff consider the 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 and the 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. The applicant has confirmed that all other existing accessory buildings are proposed to be demolished. Therefore, the Notice shall be amended by deleting the following note:

Based on GIS aerial view, it appears that there are other accessory buildings located on the lot. If the existing accessory buildings are proposed to be retained on the lot, further variances will be required. The applicant shall provide confirmation.

2. A demolition permit may be required for the demolition of the existing accessory buildings.
3. A building permit is required for the construction of the propose accessory building (private workshop).

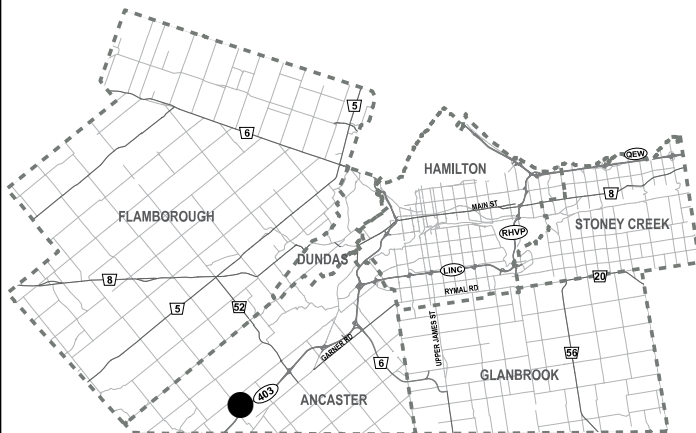
Development Engineering:

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



183 Sunnyridge Road, Ancaster
(Ward 12)

File Name/Number:

AN/A-22:226

Date:

July 28, 2022

Technician:

NB

Map Not To Scale

Appendix "A"



Hamilton

PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT

AN/B-22:68 – 582 Carluke Road West, Ancaster

Consolidation Report

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

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

1. The owner shall submit a deposited Ontario Land Surveyor's Reference Plan to the Committee of Adjustment Office, unless exempted by the Land Registrar. The reference plan must be submitted in pdf and also submitted in CAD format, drawn at true scale and location and tied to the City corporate coordinate system. (Committee of Adjustment Section)
2. The owner shall pay any outstanding realty taxes and/or all other charges owing to the City Treasurer. (Committee of Adjustment Section)
3. The owner shall submit survey evidence that the lands to be severed and the lands to be retained, including the location of any existing structure(s), parking and landscaping, conform to the requirements of the Zoning By-Law or alternatively apply for and receive final approval of any variances from the requirements of the Zoning By-Law as determined necessary by the Planning and Economic Development Department (Planning Division – Zoning Section).
4. The owner shall submit survey evidence from a BCIN Qualified Designer (Part 8 Sewage System) or Professional Engineer that the existing septic system complies with the clearance requirements of Part 8 of the Ontario Building Code for the lands to be severed and retained, to the satisfaction of the Planning and Economic Development Department (Building Division – Building Engineering Section).
5. Transportation Planning has no objection to the land severance application provided the following conditions be met, to the satisfaction and approval of the Manager, Transportation Planning:
 - a. The existing right-of-way at the subject property is approximately 20.0 metres. Approximately ± 5.2 metres are to be dedicated to the right-of-way on Carluke Road West, as per the Council Approved Rural Official Plan: Schedule C-1 - Future Right-of-Way Dedications. Carluke Road is to be 30.480 metres. A survey conducted by an Ontario Land Surveyor and at the Applicant's expense will determine the ultimate dimensions for the right-of-way widening(s).
6. The owner shall submit documentation showing the merging of 560 Carluke Road West with the conveyed lands 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 (45 ha) will remain as **582 Carluke Road West (Ancaster)** and the lands to be conveyed (2306 m²) will be assigned the address of **582 Carluke Road West (Ancaster)**.

AN/B-22:68 – 582 Carluke Road West, Ancaster

PLANNING and ECONOMIC DEVELOPMENT DEPARTMENT

Development Planning – Rural

SEVERED LANDS: 29.5 m±, 59.92 m±, 2,306 m² ±

RETAINED LANDS: 237 m±, 1142 m±, 45 ha±

Rural Hamilton Official Plan

The Rural Hamilton Official Plan designates the property as Agriculture in Schedule D – Rural Land Use Designations. The following policies amongst others apply:

1.14.2.6. Minor lot line adjustments and minor boundary adjustments may be considered for legal or technical reasons only provided:

- a) a separate lot is not created for a dwelling or any other non-farm use except in designated Rural Settlement Areas;
- b) there is no increased fragmentation of a key natural heritage feature or key hydrologic feature;
- c) the land area of the lot adjustment does not exceed the land area required to address the legal or technical issue, meet the requirements of Section C.5.1, Private Water and Wastewater Services, and meet F.1.14.2.6 b) above with as little acreage as possible taken out of agricultural use; and,
- d) the adjustments do not conflict with intent of the policies of this Plan.

1.14.2.7. In addition to Policy F.1.14.2.6, minor lot additions may be permitted where additional land is required for existing undersized lots to meet the applicable requirements of Section C.5.1, Private Water and Wastewater Services, as determined by the City, for existing uses only, provided all of the following are met:

- a) no new lots are created;
- b) the resulting lots are both of a shape and dimension to not impair existing or potential agricultural operations;
- c) there is no increased fragmentation of a key natural heritage feature or key hydrologic feature; the adjustments do not conflict with intent of the policies of this Plan.

- d) the lot being enlarged is not required to demonstrate conformity with Policy C.5.1.1 c), but should generally be a minimum of one acre in size following the lot addition; and,
- e) the land area of the minor lot addition does not exceed the land area needed to meet the requirements of Section C.5.1, Private Water and Wastewater Services, and F.1.14.2.7 b) and c) above with as little acreage as possible taken out of agricultural use.

The application will no result in the creation of a new lot. 560 Carluke Road West is currently undersized at 0.17 hectares and the proposed lot adjustment will bring the property into conformity with the Private Water and Wastewater policies of the RHOP while not impairing the agricultural operation on the retained lands or fragmenting a natural heritage feature. The application conforms to the Rural Hamilton Official Plan.

Hamilton Zoning By-law No. 05-200

The lands are zoned Agriculture “A1” Zone 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) 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, which would normally require an archaeological assessment. This application is centred around an adjustment of property boundaries and will not result in significant soil disturbance. If this severance is granted the City does not require an archaeological assessment, but the applicant is advised that the City retains the authority to require an archaeological assessment for any future applications on the subject property under the *Planning Act*.

Source Water Protection

Recent Rural Hamilton Official Plan policies allow for consent applications for existing and developed lots provided the property conveying land (582 Carluke Road West) remains sustainable and represents an improvement to the existing situation. As a

result, due to Rural Hamilton Official Plan policy F.1.14.2.7, Source Water Protection is able to support the consent.

Recommendation

Based on the preceding information, the proposal meets the severance policies within the Provincial Policy Statement and Rural Hamilton Official Plan and the lots generally conform to the Hamilton Zoning By-law. The proposal has regard to the matters listed under Section 51 (24) of the *Planning Act*. Staff recommend that the application be approved.

Condition:

1. The owner shall submit documentation showing the merging of 560 Carluke Road West with the conveyed lands to the satisfaction of the Manager of Development Planning

Zoning:

1. Please note that the total lot area after the proposed consolidation, for the property known municipally as 560 Carluke Road West and which contains a single family dwelling, has not been indicated. As per Section 12.1.3.3(a) and the regulations applicable to Single Detached Dwellings in an "A1" Zone, the minimum required lot area is 0.4 hectares. From the materials provided, it appears the total lot area, after the lands have been consolidated, is approximately 0.4 hectares. Please note that additional variance(s) may be required if compliance with Section 12.1.3.3(a) cannot be achieved.
2. Specific details regarding parking, permitted yard encroachments, and the aggregate gross floor area and lot coverage of the existing accessory buildings, on the lot known municipally as 560 Carluke Road West and which contains a single family dwelling, have not been indicated on the sketch provided; therefore, this Division cannot confirm zoning compliance.
3. The submitted application indicates that two existing buildings/structure (i.e. a storage shed and silo) are to remain on the portion of the lands to be retained and which is known municipally as 582 Carluke Road West. Specific details regarding the existing buildings/structure (i.e. a storage shed and silo) was not indicated on the sketch provided; therefore, this Division cannot confirm zoning compliance.
4. The applicant, as a condition of approval, shall be required to provide evidence from a qualified professional that the existing septic system will be in compliance with The Ontario Building Code with respect to its location to the new property lines. The septic system shall be located entirely within the lands to be conveyed/retained or the lot lines shall be reconfigured to accommodate the

existing septic system. A septic system is not permitted to be located on adjacent lands.

5. The lands to be conveyed shall be merged in title with the lands to which they are to be added.
6. 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:

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

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

Development Engineering:

No Comments.

Legislative 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 (45 ha) will remain as **582 Carluke Road West (Ancaster)** and the lands to be conveyed (2306 m²) will be assigned the address of **582 Carluke Road West (Ancaster)**.

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 be met, to the satisfaction and approval of the Manager, Transportation Planning:
 - a. The existing right-of-way at the subject property is approximately 20.0 metres. Approximately ± 5.2 metres are to be dedicated to the right-of-way on Carluke Road West, as per the Council Approved Rural Official Plan: Schedule C-1 - Future Right-of-Way Dedications. Carluke Road is to be 30.480 metres. A survey conducted by an Ontario Land Surveyor and at the Applicant's expense will determine the ultimate dimensions for the right-of-way widening(s).

Source Protection Planning:

Background: Recent Rural Hamilton Official Plan policies allow for consent applications for existing and developed lots provided the property conveying land (582 Carluke Road West) remains sustainable and represents an improvement to the existing situation. As a result, due to Rural Hamilton Official Plan policy F.1.14.2.7, Source Water Protection is able to support the consent.

Recommendation
Approval

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: August 2, 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: 582 Carluke Road W., Ancaster
File: AN/B-22:68

PREAMBLE

In response to your Agenda listing for the upcoming meeting on Thursday, August 11, 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

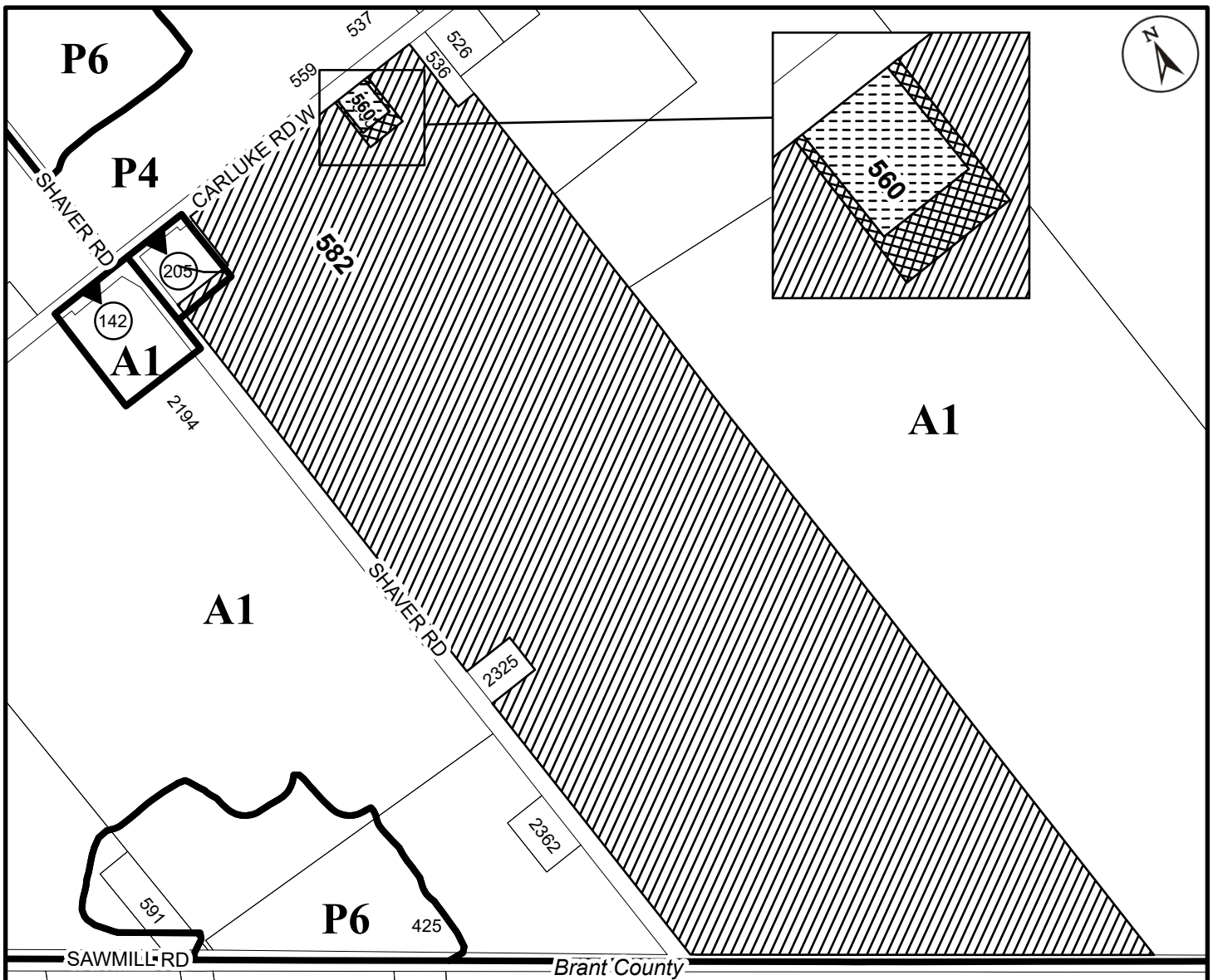
- There are Municipal Tree Assets on site, although no impacts are anticipated therefore no Tree Management Plan or Landscape plan is required.
- Note: Prior to a person performing any work on, in or around a public tree an application for a permit shall be submitted to the Director.

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.

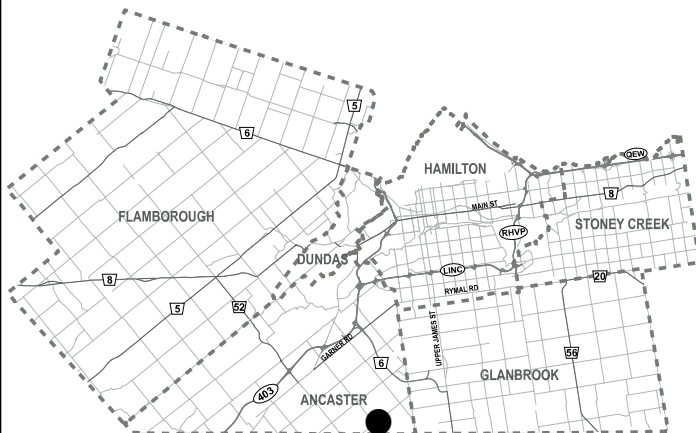
Regards,

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

Sam Brush
Urban Forest Health Technician



Site Location






City of Hamilton

Committee of Adjustment

Subject Property

560 Carl Luke Road West, Ancaster (Ward 12)

-  Lands to be Retained
-  Lands to be Severed
-  Lands to be Consolidated

File Name/Number:

AN/B-22:68

Date:

July 28, 2022

Technician:

NB

Map Not To Scale

Appendix "A"



Hamilton

PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT

FL/A-22:227 – 877 Millgrove Sideroad, Flamborough

Consolidation Report

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

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

1. That the variances approved shall be generally in keeping with “*Site Plan SP0.01 by Tenhouse Building Workshop (revision date 05/11/22)*”, to the satisfaction of the Manager of Development Planning.

Notes:

“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-22:227 – 877 Millgrove Sideroad, Flamborough

PLANNING and ECONOMIC DEVELOPMENT DEPARTMENT

Development Planning – Rural

Rural Hamilton Official Plan

The Rural Hamilton Official Plan designates the property as “Rural Settlement Area” in Schedule “D” – Rural Land Use Designations, to which the use is permitted.

Millgrove Rural Settlement Area Plan

The Millgrove Rural Settlement Area Plan designated the property as “Settlement Residential”, “Natural Heritage Open Space” and “Settlement Institutional” in Volume 2: Map 11 to which the use complies.

Hamilton Zoning By-law No. 05-200

The lands are zoned Conservation/hazard Land (P7) Zone, Conservation/hazard Land (P8) Zone and Settlement Institutional (S3) to which the use is not permitted.

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 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 an area of sandy soil in areas of clay or stone;
- 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 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)."

Natural Heritage

No concerns from a Natural Heritage perspective. The proposed addition is within the existing manicured area and Natural Heritage staff have issued an Environmental Sensitive Area Site Plan Waiver.

Variance 1 (P7/P8 Zone)

The applicant is seeking a variance for a new accessory building whereas no new buildings or structures are permitted in the current P7 and P8 zone.

Staff note, under direction of Natural Heritage, that the P7 Zoning boundary should be revised to exclude the manicured area around the existing single detached dwelling, which includes the area where the accessory structure is proposed. Natural Heritage Staff are generally okay with where the proposed accessory structure will be located. In addition, the subject property will be included on the list of properties to correct the zoning layer as part of the next housekeeping amendment to the zoning bylaw. As such, staff are satisfied that the P7 zoning boundary is incorrect and that the location of the proposed structure is outside of the natural woodland.

Staff consider this variance minor in nature and desirable for the use of the property. Staff recommend the variance be **approved**.

Variance 2 (Building Height)

The applicant is seeking a variance for a building height of 5.8m shall be provided instead of the maximum building height of 4.5m permitted for an accessory building.

Staff note that the garage design in innkeeping with the design of the house with a sloped roof. A 6.0m side yard setback is being provided so it will be significantly setback from neighbouring properties. Staff consider this variance minor in nature and desirable for the use of the subject lands. Staff recommend the variance be **approved**.

Variance 3 (Accessory Structure GFA)

The applicant is seeking a variance for a maximum gross floor area of 46.0m² for accessory buildings shall be permitted whereas the by-law permits a maximum aggregate gross floor area of 45.0m² for accessory buildings.

Staff consider this variance minor in nature and desirable for the use of the property. Staff recommend the variance be **approved**.

Recommendation

Staff recommend that the variance be **approved**, the requested variance maintains 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.

Condition:

1. That the variances approved shall be generally in keeping with “*Site Plan SP0.01 by Tenhouse Building Workshop (revision date 05/11/22)*”, to the satisfaction of the Manager of Development Planning.

Zoning:

- i. The proposed accessory building is intended to replace an existing structure on the lot.
- ii. The proposed accessory building appears to straddle the zone boundary of a P7 and P8 zone.
- iii. Please be advised that a portion of this property is under Conservation Management. Please contact Halton Conservation for further information.
- iv. A building permit is required in the normal manner for the proposed construction.

Development Engineering:

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

See attached for additional comments.

Sheffield, Jamila

From: Kevin Nunn <knunn@hrca.on.ca>
Sent: July 28, 2022 10:23 AM
To: Committee of adjustment
Cc: Sheffield, Jamila
Subject: RE: August 11th - COA Agenda Available - Conservation Halton Comments

Good Morning,

Conservation Halton (CH) has reviewed the Minor Variance application *FL/A-22:227 877 Millgrove Sideroad, Flamborough (Ward 15)* as the property falls within the CH boundary.

The applicants obtained a Permit (No. 8184) from CH for the re-construction and minor expansion of a detached accessory (storage) building within the floodplain of Grindstone Creek, dated June 6th, 2022. As the plans reviewed through this Minor Variance application match what CH approved with conditions, we have no further comment on the variances sought.

Please let me know should you need any further information pertaining to this application.

Sincerely,

Kevin Nunn
Planning and Regulations Analyst

Conservation Halton
2596 Britannia Road West, Burlington, ON L7P 0G3
905.336.1158 ext. 2266 | knunn@hrca.on.ca
conservationhalton.ca

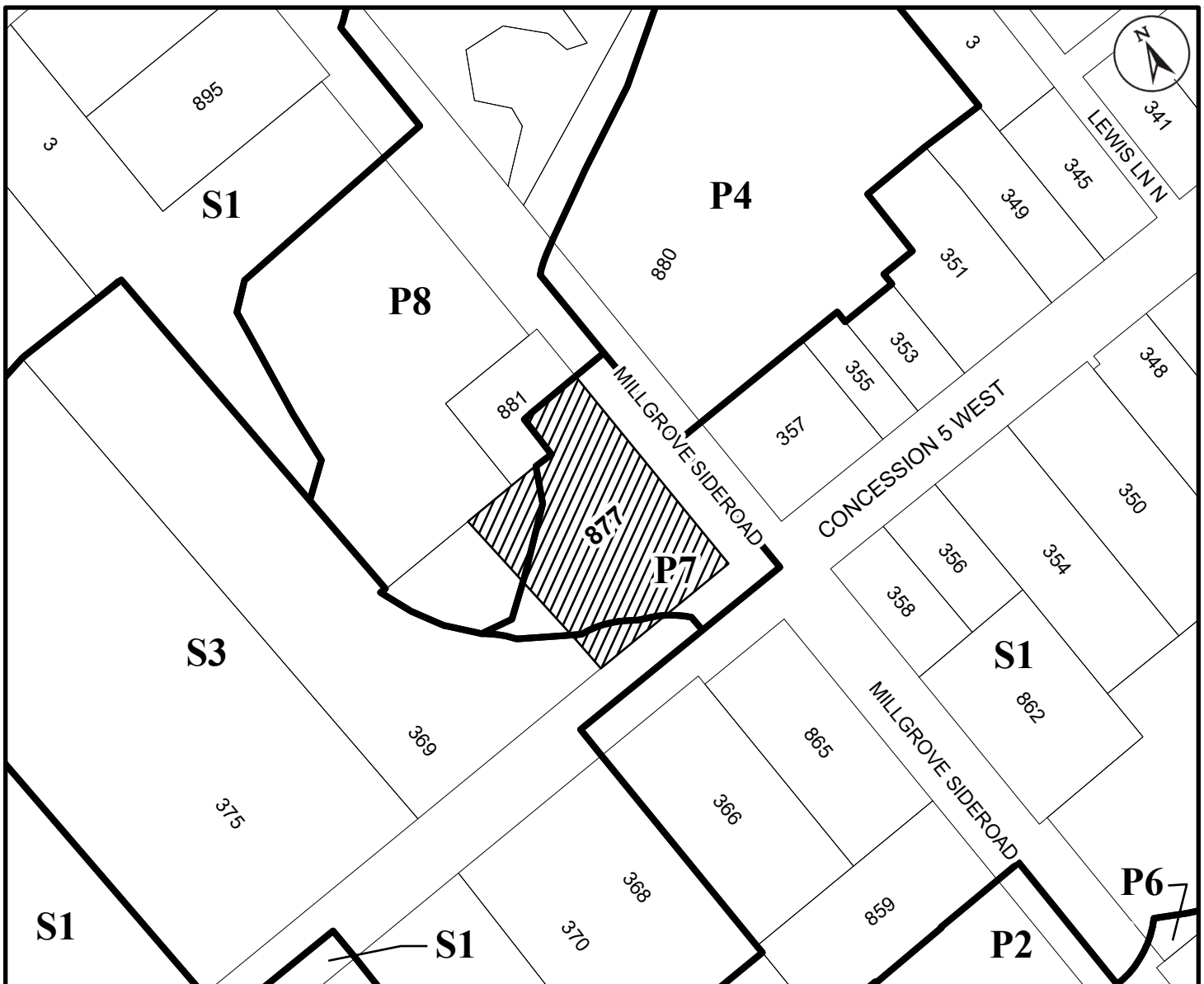


RE:GENERATIONS

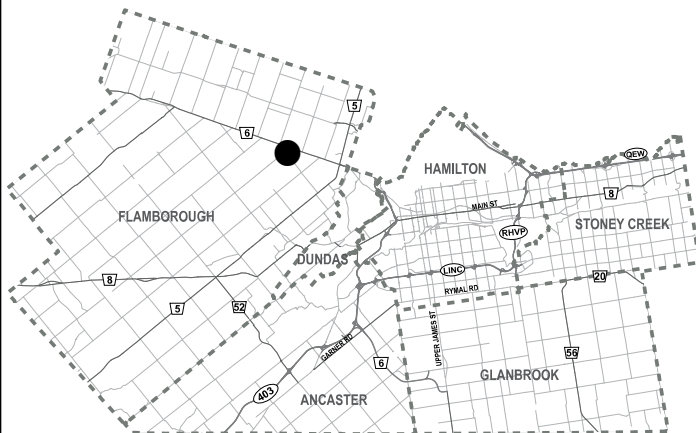
Join us **September 15, 2022** at Crawford Lake Conservation Area for our annual fundraising dinner. For tickets and sponsorship: chregenerations.com

This message, including any attachments, is intended only for the person(s) named above and may contain confidential and/or privileged information. Any use, distribution, copying or disclosure by anyone other than the intended recipient is strictly prohibited. If you are not the intended recipient, please notify us immediately by telephone or e-mail and permanently delete the original transmission from us, including any attachments, without making a copy.

From: Committee of adjustment <cofa@hamilton.ca>
Sent: July 26, 2022 2:04 PM
To: Committee of adjustment <cofa@hamilton.ca>
Subject: August 11th - COA Agenda Available



● Site Location



City of Hamilton

Committee of Adjustment

Subject Property



877 Millgrove Sideroad, Flamborough
(Ward 15)

File Name/Number:

FL/A-22:227

Date:

July 28, 2022

Technician:

NB

Map Not To Scale

Appendix "A"



Hamilton

PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT

FL/A-22:222 – 11 Mountainview Road, 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):

Notes:

“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-22:222 – 11 Mountainview Road, 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.

Greensville Rural Settlement Area Plan

The Greensville Rural Settlement Area Plan designated the property as “Settlement Residential” in 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 use is permitted.

Archaeology

The subject property meets one (1) 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.

This criterion defines 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 is part of the Greensville Cultural Heritage Landscape and an active inventory area, the Greensville Built Heritage Inventory. Accordingly, the following section of the *Provincial Policy Statement* applies:

2.6.1 *Significant built heritage resources and significant cultural heritage landscapes shall be conserved.*

Additionally, the following sections of the Rural Hamilton Official Plan, Volume 1, applies:

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,

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.”

B.3.4.6.2 “*Cultural heritage landscapes...*shall be protected in the carrying out of any undertaking subject to the *Environmental Assessment Act* or the *Planning Act*.”

The applicant proposes to permit the construction of a two (2) storey addition to the existing single detached dwelling.

Where new construction and/or alterations or additions to existing structures are proposed in a Cultural Heritage Landscape, 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 have reviewed the application and are of the opinion that though the design is Contemporary, the addition will be partially obscured by vegetation and thus not highly visible from the public realm. Staff strongly encourage the use of compatible materials in the new construction to ensure visual impacts on the Cultural Heritage Landscape are minimized. Staff have no further comments on the application as circulated.

Variance 1 (Front Yard Setback)

The applicant is seeking a variance for a front yard setback of 6.6m shall be provided instead of the minimum required 7.5m front yard setback.

Staff note that the site has many mature existing trees, the proposed addition will be located in a area that is well screened from abutting properties. Staff consider this variance minor in nature and desirable for the use of the subject lands. Staff recommend the variance be **approved.**

Variance 2 (Accessory Building Height)

The applicant is seeking a variance for a building height of 5.7m shall be provided instead of the maximum building height of 4.5m permitted for an accessory building.

Staff note that the site has many mature existing trees, the proposed addition will be located in an area that is well screened from abutting properties. Staff consider this variance minor in nature and desirable for the use of the subject lands. Staff recommend the variance be **approved.**

Variance 3 (Accessory Building GFA)

The applicant is seeking a variance for a maximum gross floor area of 55.0m² for accessory buildings shall be permitted whereas the bylaw permits a maximum aggregate gross floor area of 45.0m² for accessory buildings.

Staff note that the accessory structure coverage will be 1.6 % and will remain subordinate to the existing dwelling with the proposed addition which will have gross floor area of 250.26 sq m. Staff consider the variance minor in nature and is desirable for the appropriate use of the subject lands, staff recommend the variance be **approved.**

Recommendation

Staff recommend that the variance be **approved**, the requested variance maintains 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 building permit is required in the normal manner for the proposed construction.

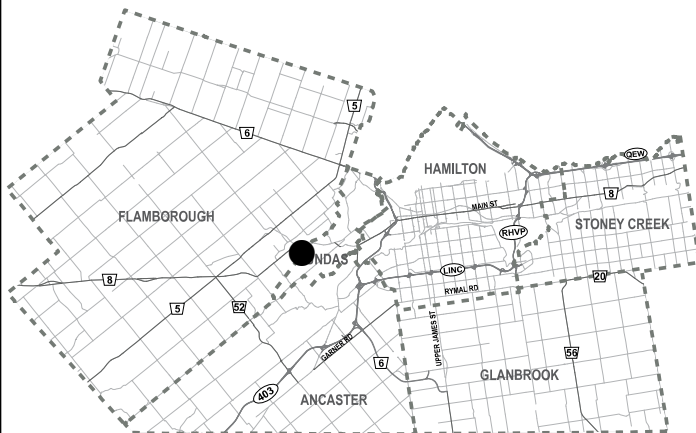
Development Engineering:

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



11 Mountain View Road, Flamborough
(Ward 13)

File Name/Number:

FL/A-22-222

Date:

July 28, 2022

Technician:

XX

Map Not To Scale

Appendix "A"



Hamilton

PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT

FL/A-22:229 – 3 Haines Avenue, 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):

Notes:

“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-22:229 – 3 Haines Avenue, 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.

Greensville Rural Settlement Area Plan

The Greensville Rural Settlement Area Plan designated the property as “Natural Open Space” in Volume 2: Map 8a to which the use is existing.

Hamilton Zoning By-law No. 05-200

The lands are zoned Settlement Residential (S1) 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) 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 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 is part of the Greensville Cultural Heritage Landscape and an active inventory area, the Greensville Built Heritage Inventory. Accordingly, the following section of the *Provincial Policy Statement* applies:

2.6.1 “*Significant built heritage resources and significant cultural heritage landscapes shall be conserved.*”

Additionally, the following sections of the Rural Hamilton Official Plan, Volume 1, applies:

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.”

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.” and,

B.3.4.6.2 “*Cultural heritage landscapes...shall be protected in the carrying out of any undertaking subject to the Environmental Assessment Act or the Planning Act.*”

The applicant proposes the construction of a one-storey addition and new covered porch to the front of the existing single-family dwelling on a residential parcel of land.

Where new construction and/or alterations or additions to existing structures are proposed in a Cultural Heritage Landscape, 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 have reviewed the application and would note that detailed Elevation Drawings were not submitted, however, the extent of the proposed garage that projects beyond the existing front façade of the dwelling does not appear to be in line with the character of the Greensville Cultural Heritage Landscape. Staff strongly encourage the use of compatible materials such as brick and wood in the new construction to ensure minimal visual impacts on the streetscape. 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 4.90 metres shall be permitted, instead of the required minimum front yard of 7.5 metres.

Staff note that there is a neighbouring property that has a similar setback to their attached garage. Staff consider this variance minor in nature and desirable for the use of the subject lands. Staff recommend the variance be **approved**.

Variance 2 (Side Yard Setback)

The applicant is seeking a variance for a minimum northerly side yard width of 1.2 metres shall be permitted, instead of the required minimum side yard width of 3.0 metres.

Staff note that there is a neighbouring property that has a similar side yard setback and the proposed garage addition maintains the existing setback from the dwelling. Staff consider this variance minor in nature and desirable for the use of the subject lands. Staff recommend the variance be **approved**.

Recommendation

Staff recommend that the variance be **approved**, the requested variance maintains 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. Please note that detailed Elevation Drawings were not submitted to confirm the height of the proposed building addition. As per Section 12.3.3(f), a maximum building height of 12.5 metres is permitted. Additional variances may be required if compliance with Section 12.3.3(f) cannot be achieved.
2. Please note that the projection of eaves/troughs have not been indicated on the submitted Site Plan to confirm compliance with Section 4.6(a). Should the variances be approved to permit a reduced front yard and a reduced northerly side yard, eaves/troughs shall project no more than 0.6 metres into the required yard, or to a maximum of half the distance of the required yard, whichever is the lesser. Additional variances may be required if compliance with Section 4.6(a) cannot be achieved.
3. Please note that specific details regarding parking on the lot have not been indicated on the submitted Site Plan to confirm compliance with Section 5: Parking. Please note that as per Section 5.6(c)(vii), a minimum of one (1) parking

space is required for a Single Detached Dwelling. It appears that a minimum of one (1) parking space can be accommodated in the proposed attached garage; however, additional variances may be required if compliance with other requirements of Section 5: Parking cannot be achieved.

Further, please note that as per Section 5.1(b)(ii), on a lot containing a single detached dwelling, semi-detached dwelling or duplex dwelling in all zones, no parking spaces shall be permitted in a required front yard or required flankage yard except as otherwise permitted for single detached, semi-detached or duplex dwellings.

Finally, please note that as per Section 5.2(b)(iv) the length of each parking space in an attached garage of a dwelling unit shall be increased by an equivalent length of the step, steps or stairwell that extends into the parking space. As per Section 5.2(b)(v), notwithstanding Subsection iv), an open stairway may project into the length of the required parking space not more than 0.75 metres provided the height of the stairway does not exceed 0.5 metres.

4. Building Permit No. 22-116910, submitted on April 12, 2022, to construct a 1-storey, 33.4m² addition to the single family dwelling, to construct a 6m² porch in the front yard and for alterations to the interior of the single family dwelling, has not been issued.

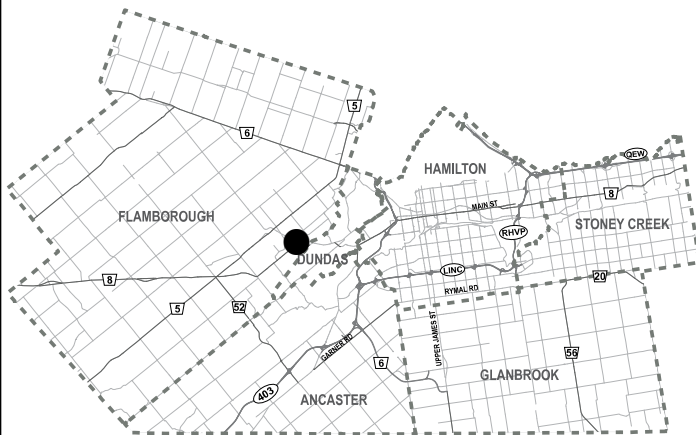
Development Engineering:

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



3 Haines Avenue, Flamborough
(Ward 13)

File Name/Number:

FL/A-22:229

Date:

July 28, 2022

Technician:

NB

Map Not To Scale

Appendix "A"



Hamilton

PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT

FL/A-22:234 – 843 Safari Road, 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):

Notes:

“Acknowledgement Note: The subject property has been determined to be an area of archaeological potential. It is reasonable to expect that archaeological resources may be encountered during any demolition, grading, construction activities, landscaping, staging, stockpiling or other soil disturbances. If 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-22:234 – 843 Safari Road, Flamborough

PLANNING and ECONOMIC DEVELOPMENT DEPARTMENT

Development Planning – Rural

Rural Hamilton Official Plan

The Rural Hamilton Official Plan designates the property as “Agriculture” in Schedule D – Rural Land Use Designations, to which the use is permitted.

Hamilton Zoning By-law No. 05-200

The lands are zoned Agriculture (A1) 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) 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 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 Building Coverage)

The applicant is seeking a variance for a maximum gross floor area of 297.29 m² or 12.1% be provided instead of the maximum required aggregate Gross Floor Area of all Accessory Buildings which shall not exceed 200 square metres, or 5% lot coverage (122.95 m²), whichever is the lesser.

The proposed area for the accessory building is not appropriate for the use and configuration of the subject lands which is used as a single detached dwelling. Specifically, staff note that the proposal greatly exceeds the maximum lot coverage regulation of 5 percent. Therefore, the proposed size does not meet the intent of the Official Plan or Zoning By-law. For the context of the site the accessory structure is not minor in nature. Based on the foregoing, staff recommend that the minor variance be **denied** as it does not desirable for the subject lands.

Variance 2 (Accessory Building Height)

The applicant is seeking a variance for a maximum Accessory Building Height of 7.137 m shall be provided instead of the maximum required 6.0 m for all Accessory Buildings.

The proposed height for the accessory building is not appropriate for the use and configuration of the subject lands. Therefore, the proposed height does not meet the intent of the Zoning By-law and is not minor in nature. Based on the foregoing, staff recommend that the minor variance be **denied** as it does not desirable for the subject lands.

Recommendation

Staff recommend that the variances be **denied**, as it does not maintains the general intent and purpose of the Rural Hamilton Official Plan and the Hamilton Zoning By-law, is not minor in nature and is not desirable to the use of the subject lands.

Zoning:

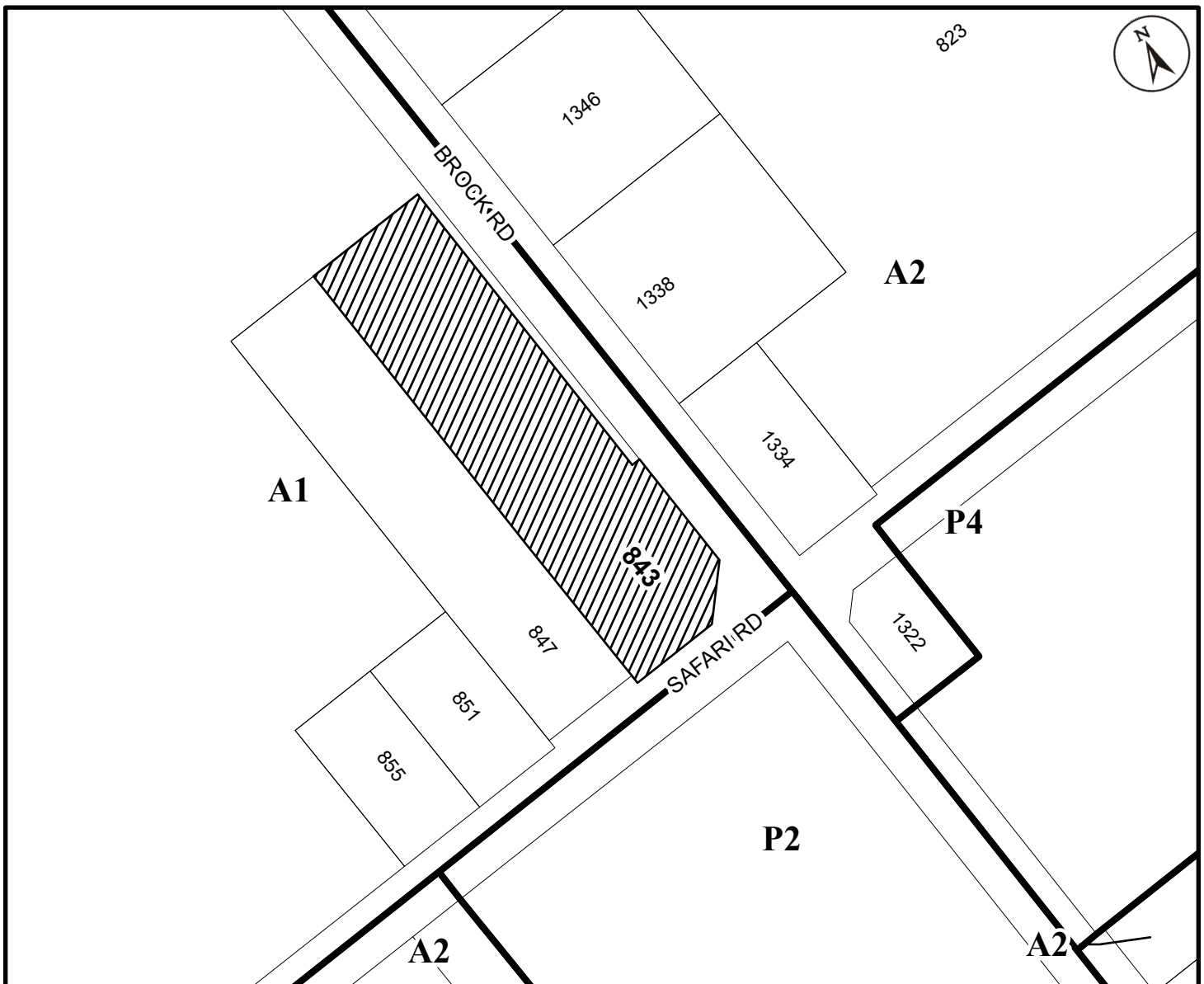
1. A building permit is required for the construction of the proposed pole barn in the rear yard of the existing single detached dwelling.

2. Please be advised that a portion of this property is under Conservation Management. Please contact Hamilton Conservation at 905-525-2181 for further information.

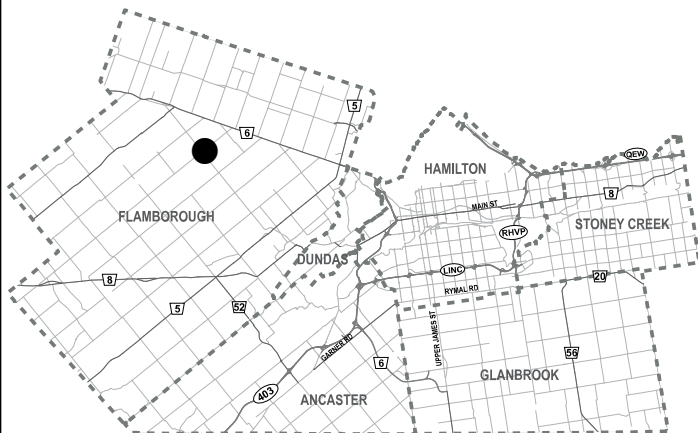
Development Engineering:

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



843 Safari Road, Flamborough
(Ward 13)

File Name/Number:

FL/A-22:234

Date:

July 28, 2022

Technician:

NB

Map Not To Scale

Appendix "A"



Hamilton

PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT

DN/A-22:235 – 1 Rogers Road, 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):

Notes:

“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).”

DN/A-22:235 – 1 Rogers Road, Dundas

PLANNING and ECONOMIC DEVELOPMENT DEPARTMENT

Development Planning – Rural

Urban Hamilton Official Plan

The Rural Hamilton Official Plan designates the property as “Neighbourhoods” in Schedule “D” – Rural Land Use Designations, to which the use is permitted.

Dundas Zoning By-law No. 3581-86

The lands are zoned Single Detached Residential (R2) 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) 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).”

Variance 1 (Accessory Structure Coverage)

The applicant is seeking a variance to allow for a rear yard setback of 4.6m shall be provided for the accessory building instead of the minimum required 7.5m rear yard setback.

Staff note that this is a cabana for the existing pool at the rear of the property. Staff consider the 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 Urban Hamilton Official Plan and the Dundas 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:

- i. Accessory buildings having a gross floor area greater than 18.0 square metres are subject to the principal building requirements of the R2 zone.
- ii. A building permit is required in the normal manner for the construction of the proposed building.

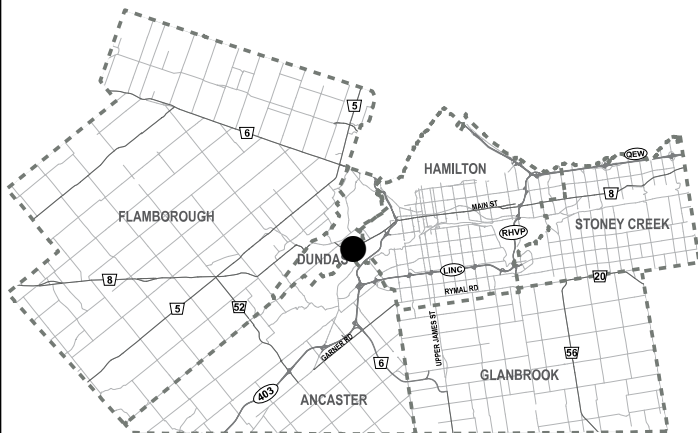
Development Engineering:

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



1 Rogers Road, Dundas
(Ward 13)

File Name/Number:

DN/A-22:235

Date:

July 28, 2022

Technician:

NB

Map Not To Scale

Appendix "A"



Hamilton

PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT

DN/A-22:238 – 24 Peel Street North, 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):

Notes:

“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).”

DN/A-22:238 – 24 Peel Street North, Dundas

PLANNING and ECONOMIC DEVELOPMENT DEPARTMENT

Development Planning – Rural

Urban Hamilton Official Plan

The Rural Hamilton Official Plan designates the property as “Neighbourhoods” in Schedule “D” – Rural Land Use Designations, to which the use is permitted.

Dundas Zoning By-law No. 3581-86

The lands are zoned Single Detached Residential (R2) 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 is a circa 1949, one-and-a-half storey dwelling located within the Colborne Established Historic Neighbourhood and an active inventory area, Downtown Dundas Built Heritage Inventory.

Accordingly, the following section of the Urban Hamilton Official Plan, Volume 1, applies:

B.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 second storey addition and an attached garage to the existing 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.

The Colborne Established Historical Neighborhood is mostly comprised of one and a half to two and a half storey homes built largely between the early 1900s and 1940s. The homes are primarily clad in brick and siding, with masonry foundations.

Staff have reviewed the application and are of the opinion that the proposed design is not compatible with the character of the Colborne Established Historical Neighbourhood. Staff strongly encourage the use of compatible materials such as brick or siding in the new construction to ensure minimal visual impact on the streetscape and discourage the use of non-traditional EIFS stucco. In addition, staff recommend that the new garage be detached or set further back from the main façade of the house to reduce the visual impact on the streetscape, and suggest revisiting the design of the second storey window surrounds and the front entryway for a more simple, compatible design.

Staff have no further comments on the application as circulated.

Variance 1 (Front Yard Setback)

The applicant is seeking a variance to allow for a minimum front yard of 5.0 metres shall be provided instead of the minimum required front yard of 6.0 metres.

Staff note that this is existing setback for the first storey of the dwelling. Staff note that the attached garage is generally flush with the front façade. Staff defer to Cultural Heritage comments with regards to compatible materials but note that the proposal is not subject to Site Plan Control. Staff consider the variance minor in nature and is desirable for the appropriate use of the subject lands, staff recommend the variance be **approved**.

Variance 2 (Rear Yard Setback)

The applicant is seeking a variance to allow for a minimum rear yard of 2.70 metres shall be provided instead of the minimum required rear yard of 7.5 metres.

Staff note that this is existing setback for the first storey of the dwelling. Staff consider the variance minor in nature and is desirable for the appropriate use of the subject lands, staff recommend the variance be **approved**.

Variance 3 (Covered Porch)

The applicant is seeking a variance to allow for the stairs associated with a roofed-over but otherwise unenclosed one-storey porch at the first storey level may be located a minimum of 2.60 metres from the front lot line, instead of the requirement that every such projecting porch shall be distant at least 4.0 metres from the front lot line.

Staff note that there are existing dwellings with similar front porch setbacks within the neighbourhood therefore is in keeping with the character of the surrounding area. Staff consider the 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 Urban Hamilton Official Plan and the Dundas Zoning By-law No. 3581-86. 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. Please note that variance No. 3, as indicated on the circulated notice, should be revised to read as follows:

The stairs associated with a roofed-over but otherwise unenclosed one-storey porch at the first storey level may be located a minimum of 2.39 metres from the front lot line, instead of the requirement that every such projecting porch shall be distant at least 4.0 metres from the front lot line.

2. Please note that specific details regarding parking on the lot were not included on the Site Plan provided. However, it appears that one (1) parking space is proposed and can be accommodated in the attached garage. Please note that the minimum parking space dimensions are 2.70 metres in width x 6.0 metres in

length. Additional variances may be required if compliance with the parking regulations contained in Dundas Zoning By-law No. 3581-86 cannot be achieved.

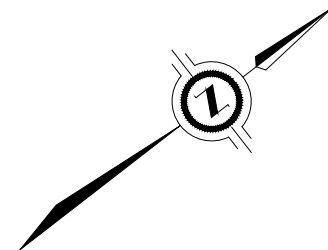
3. Please note that a revised Site Plan was provided by the applicant via email on August 3, 2022, that clarified that the maximum projection of the eaves/gutters shall be 0.47 metres. Therefore, should variances No. 1 and No. 2 be granted, the eaves/gutters would be permitted to project a maximum of 1.5 metres into the new reduced front yard, provided no such projection shall be closer to a street line than 1.5 metres, and into the new reduced rear yard a maximum of 1.5 metres. Therefore, should Variance No.1 and No. 2 be granted, the eaves/gutters will be in compliance with Section 6.6.2.
4. Please note that a revised Site Plan was provided by the applicant via email on August 3, 2022, which indicated the distance from the uncovered porch (i.e. the proposed stairs in the southerly side yard) to the southerly side lot line as a minimum of 2.23 metres. Therefore, the uncovered porch complies with Section 6.6.8.
5. The Site Plan statistics indicate a minimum of 51.85% of the area of the front yard as landscaping. From the materials provided, it is unclear if the percentage indicated is consistent with the definition of Landscaped Area as provided in Dundas Zoning By-law No. 3581-86.
6. A building permit is required for the proposed addition. Be advised that Ontario Building Code regulations may require specific setback and construction types.
7. Building Permit No. 22-100611, submitted on January 6, 2022, to demolish the existing 53.6m² half storey and 4.3m² side foyer; to construct a 114 m² second storey addition to the existing single family dwelling, to construct a 1-storey, 39.6m² garage addition and 2.3m² addition to the side of the existing single family dwelling, and to construct a 4.8m² front porch and a 4.6m² side deck, has not been issued.

Development Engineering:

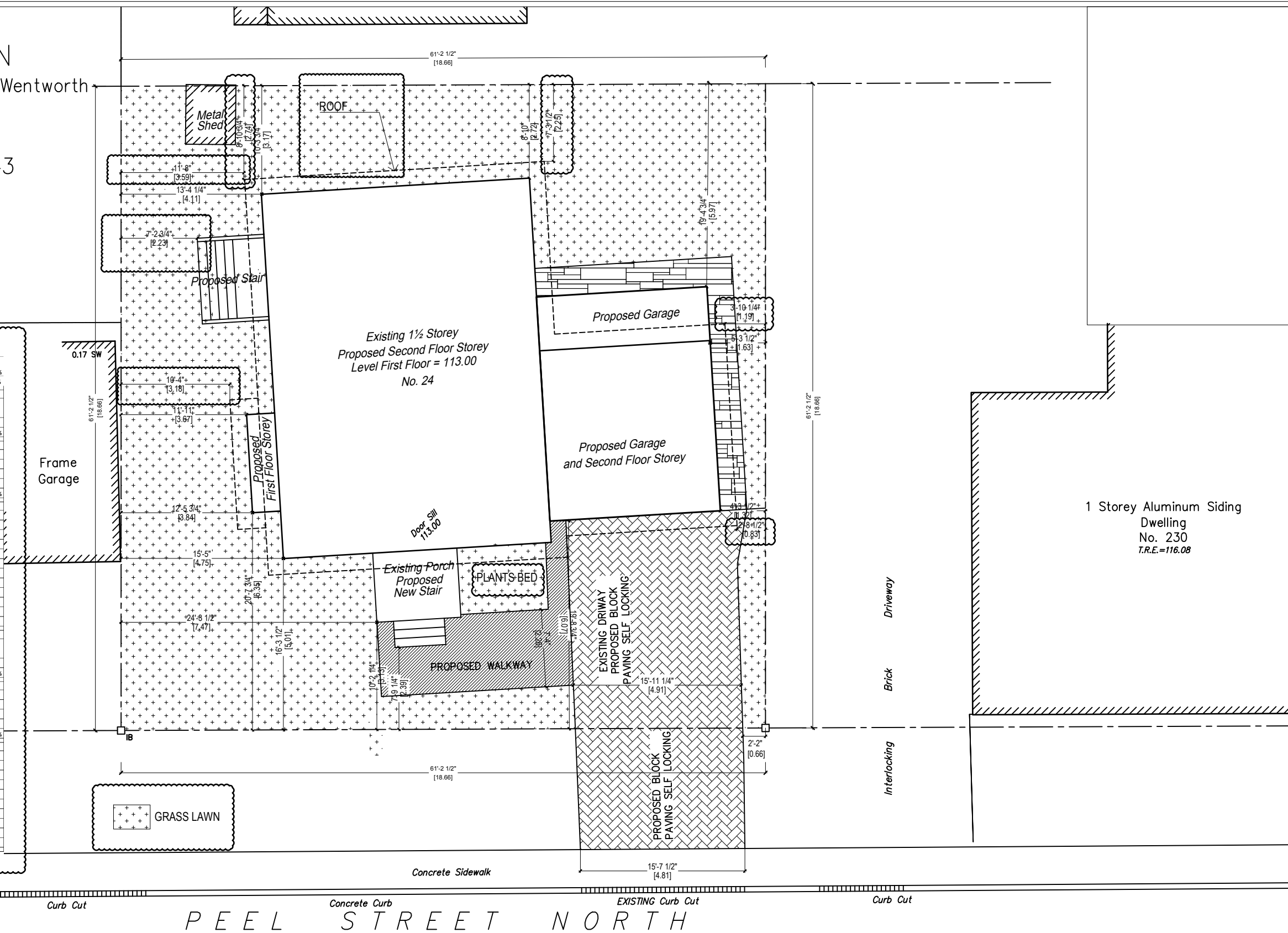
Provided the existing drainage pattern is maintained, Development Approvals has no comments.

See attached for additional comments.

CITY of HAMILTON
Regional Municipality of Hamilton–Wentworth
Part of LOT 6
BLOCK 4
REGISTERED PLAN 1443



INDEXES		TOTAL ft ²	TOTAL m ²	
LOT AREA	ft ²	3747.00	m ²	348.11
EXISTING GFA	ft ²	1480.75	m ²	137.57
PROPOSED GFA	ft ²	2080.31	m ²	193.27
EXISTING LOT COVERAGE HOUSE				
FIRST FLOOR	ft ²	910.5	m ²	
SECOND FLOOR	ft ²	570.25	m ²	
EXISTING GARAGE	ft ²	0.00	m ²	0.00
COVERAGE (HOUSE+GARAGE)	ft ²	910.50	m ²	84.59
EXISTING FRONT LANDSCAPING				
FRONT YARD	ft ²	1049.17	m ²	97.47
DRIVEWAY	ft ²	243.81	m ²	22.65
WALKWAY	ft ²	80.16	m ²	7.45
PORCH & STAIRS	ft ²	70.94	m ²	6.59
SOFT LANDSCAPE AREA	ft ²	654.26	m ²	60.78
EXISTING SET BACK LANDSCAPING				
TOTAL REAR YARD AREA	ft ²	565.05	m ²	52.49
SOFT LANDSCAPE	ft ²	538.19	m ²	50.00
SHED	ft ²	26.86	m ²	2.50
TOTAL INTERIOR SIDE YARD AREA NORTH	ft ²	743.74	m ²	69.10
SOFT LANDSCAPE	ft ²	294.24	m ²	27.34
PORCH & STAIRS	ft ²	27.42	m ²	2.55
WALKWAY	ft ²	83.71	m ²	7.78
DRIVEWAY	ft ²	289.14	m ²	26.86
ALUMINIUM SIDING VERANDA	ft ²	49.23	m ²	4.57
TOTAL INTERIOR SIDE YARD AREA SOUTH	ft ²	499.77	m ²	46.43
SOFT LANDSCAPE	ft ²	499.77	m ²	46.43
TOTAL SOFT LANDSCAPE	ft ²	1332.20	m ²	123.77
PROPOSED LOT COVERAGE HOUSE				
FIRST FLOOR	m ²	908.75	m ²	
SECOND FLOOR	m ²	1171.56	m ²	
PROPOSED GARAGE	ft ²	346.05	m ²	32.15
COVERAGE (HOUSE+GARAGE)	ft ²	1254.80	m ²	116.57
PROPOSED FRONT LANDSCAPING				
FRONT YARD	ft ²	1096.39	m ²	101.86
DRIVEWAY	ft ²	327.77	m ²	30.45
WALKWAY	ft ²	136.02	m ²	12.64
PORCH & STAIRS	ft ²	64.08	m ²	5.95
SOFT LANDSCAPE AREA	ft ²	568.52	m ²	52.82
PROPOSED SET BACK LANDSCAPING				
TOTAL REAR YARD AREA	ft ²	581.76	m ²	54.05
SOFT LANDSCAPE	ft ²	554.90	m ²	51.55
SHED	ft ²	26.86	m ²	2.50
TOTAL INTERIOR SIDE YARD AREA NORTH	ft ²	341.09	m ²	31.69
SOFT LANDSCAPE	ft ²	236.46	m ²	21.97
WALKWAY	ft ²	104.63	m ²	9.72
TOTAL INTERIOR SIDE YARD AREA SOUTH	ft ²	472.49	m ²	43.90
SOFT LANDSCAPE	ft ²	420.79	m ²	39.09
STAIRS	ft ²	51.70	m ²	4.80
TOTAL SOFT LANDSCAPE	ft ²	1212.15	m ²	112.61



NOTE: – ALL DIMENSIONS AND ELEVATIONS SHALL BE CHECKED AND VERIFIED.

GPF Design Services Inc.
2572 Eglinton Avenue West
Toronto, ON M6M 1T4
Tel. 416-656-0134
B.C.I.N 28087

No.	Description	Date	By
8.			
7.			
6.			
5.	Revision	2022.08.03	FM
4.	Revision	2022.07.21	FM
3.	Revision	2022.06.08	FM
2.	Revision	2022.05.06	FM
1.	Issued for Permit	21.12.01	FM
No.	Description	Date	By
REVISIONS			

CLIENT:

PROJECT:

24 PEEL ST.
HAMILTON, ON.

SHEET TITLE:

PROPOSED SITE PLAN

SCALE:

NTS

SP1.2

August 3, 2022

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

Attention: Committee of Adjustment

File# DN/A-22:238

Re: 24 Peel St N

In response to your correspondence dated July 26, 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. Contact ICI group to discuss service relocation options.

We would also like to stipulate the following:

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

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

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

Sincerely,

Mark Jakubowski

Mark Jakubowski
Supervisor, Design, Customer Capital

Sheffield, Jamila

From: Bruce Brown <Bruce@brownassociates.ca>
Sent: August 4, 2022 4:47 PM
To: Committee of adjustment
Cc: debbienmc@hotmail.com
Subject: Application DN/A 22:238

August 4, 2022
297 Park Street West,
Dundas, L9H 1Y8

Chair and Members,
Committee of Adjustment,
City of Hamilton

Re: Application DN/A 22-23B
Deska Residence
24 Peel Street, Dundas

Dear Committee Chair and Members,

We are in receipt of notice because 297 Park West is within 60 meters of this application.

As a professional planner with more than 52 years' experience, including as chair of a planning board and of a planning advisory committee in the City of Toronto, I have to express my extreme disappointment with the level of information and the outstanding questions arising from the Notice of Hearing for this application.

The 24 Peel property is the only lot facing Peel between Park West and Melville and this modest one and a half story frame dwelling is on a lot that was effectively carved from the two corner lots where its depth is limited to the respective frontages of those two corner lots. Similar shallow lots are found in the area, such as 27 Napier. There is a detached garage with zero setback on the property fronting on Park West, and presently a driveway on each side of the fence defining the north common lotline with the corner property on Melville, a single story residence.

Rather than the information posted, it would be useful to indicate the proposed setbacks and coverage relative to both the bylaw and to existing conditions, since there are already legal non-conforming variances relative to the bylaw. A table form may be helpful.

The building form is not clearly indicated and is rather confusing with reference to external stairs on the south side. The south side yard is preferable for a two storey build, since it would result in less shadowing of the Melville lot. Stepping in a second storey on the north side would also contribute to a more preferable situation for the Melville corner neighbours.

The staff comments suggest additional variances may or may not be required. If the submission lacked detail or information, staff should have sent it back or requested clarification from the agent, so that all variances are identified and dealt with together, rather than leaving unanswered questions.

There is ample room and considerable flexibility for the massing of a two-storey house on this property, but it can be best done respecting some setback on the north side, or a second storey setback above to minimize impact on the most

proximate neighbours. No mature trees are affected by this application and no protective measures are required for tree protection for mature trees located beyond the property lines.

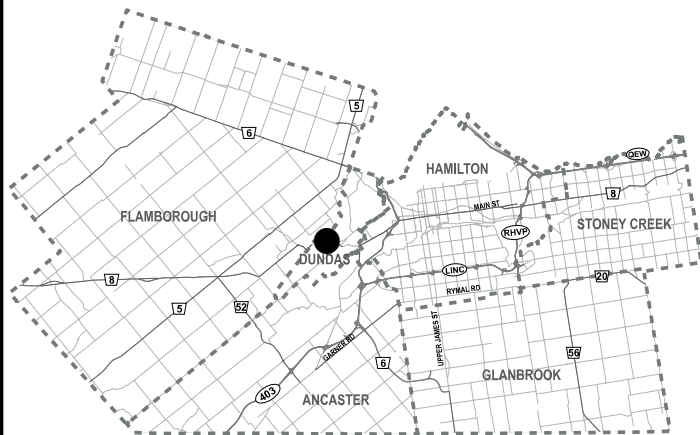
We have no objection to the application and it does not impact 297 Park Street in any way. Occasional street parking is not an issue in the immediate community.

However, if this is the standard for preparation of notices in the City of Hamilton, there is obvious room for improvement to make what is being sought clear to readers. In this case, a staff opinion or recommendation regarding preferred massing, overviews and sun shadowing might also be appropriate to guide committee.

D.N. Baker and B. Brown



● Site Location



City of Hamilton

Committee of Adjustment

Subject Property



24 Peel Street North, Dundas
(Ward 13)

File Name/Number:

DN/A-22:238

Date:

July 28, 2022

Technician:

NB

Map Not To Scale

Appendix "A"



Hamilton

PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT

SC/B-22:69 – 132 Slinger Avenue, Stoney Creek

Consolidation Report

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

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

1. The owner shall submit a deposited Ontario Land Surveyor's Reference Plan to the Committee of Adjustment Office, unless exempted by the Land Registrar. The reference plan must be submitted in pdf and also submitted in CAD format, drawn at true scale and location and tied to the City corporate coordinate system. (Committee of Adjustment Section)
2. The owner shall pay any outstanding realty taxes and/or all other charges owing to the City Treasurer. (Committee of Adjustment Section)
3. The owner submits to the Committee of Adjustment office an administration fee, payable to the City of Hamilton, to cover the costs of setting up a new tax account for each newly created lot. (Committee of Adjustment Section)
4. The owner shall comply with Ontario Building Code requirements regarding spatial separation distances of any structures. Compliance to be confirmed by the Planning and Economic Development Department (Building Division – Plan Examination Section).
5. The owner shall demolish the existing accessory building on the lands to be conveyed to the satisfaction of the Planning and Economic Development Department (Planning Division – Zoning Examination Section) or the owner shall receive final approval of any necessary variances from the requirements of the Zoning By-law in order for the accessory building to remain when no principal use is existing on the conveyed lands (Planning Division – Zoning Examination Section).
6. That the Owner shall pay their share of future concrete sidewalk along the entire frontage of their site on Slinger Avenue, as per the City of Hamilton "New Roads Servicing Rates", to the satisfaction of the Manager of Development Engineering Approvals.
7. That the Owner must enter into with the City of Hamilton and register, a Consent Agreement, to address issues including but not limited to: lot grading and drainage to a suitable outlet on the conveyed and retained parcels (detailed grading plan required), erosion and sediment control measures (to be included on the grading plan); cash payment requirements for items such as any

outstanding servicing cost for the existing municipal services adjacent to the property, street trees (City policy requires one (1) street tree/lot, inspection of grading, stormwater management infrastructure and securities for items that may include: lot grading (\$10,000.00 grading security), water and sewer services inspections, driveway approaches, relocation of any existing infrastructure (such as hydrants) and any damage during construction (unknown costs at this time), to the satisfaction of the City's Manager of Development Approvals. Note that cash payments mentioned above are subject to change.

8. To the satisfaction of the Manager of Heritage and Urban Design:
"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)."

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 (704.84 m² ±) will be assigned the address of **130 Slinger Avenue (Stoney Creek)** and the lands to be conveyed (688.3 m² ±) will be assigned the address of **132 Slinger Avenue (Stoney Creek)**.

SC/B-22:69 – 132 Slinger Avenue, Stoney Creek

PLANNING and ECONOMIC DEVELOPMENT DEPARTMENT

Development Planning – Rural

SEVERED LANDS: 15.06 m±, 45.72 m±, 688.54 m² ±

RETAINED LANDS: 15.42 m±, 45.71 m±, 704.84 m² ±

Urban Hamilton Official Plan

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

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;
- d) The lots reflect the general scale and character of the established development pattern in the surrounding area by taking into consideration lot frontages and areas, building height, coverage, mass, setbacks, privacy and overview;
- e) The lots are fully serviced by municipal water and wastewater systems; and,
- f) The lots have frontage on a public road.”

Staff note that the proposed severance conforms to the lot creation policies in the Urban Hamilton Official Plan.

West Mountain Area (Heritage Green) Secondary Plan

The West Mountain Area (Heritage Green) Secondary Plan designates this property as “Low Density Residential 2b” to which the following amongst others comply:

1.14.2.7. Notwithstanding Section E.3.4 – Low Density Residential of Volume 1, the following policies shall apply to the lands designated Low Density Residential 2b and

Low Density Residential 3c on Map B.7.6-1 – West Mountain Area (Heritage Green) – Land Use Plan:

a) Low Density Residential 2b designation:

i) the permitted uses shall include single detached dwellings, duplex and semi-detached dwellings; and,

ii) the density shall not exceed 29 units per net residential hectare.

The proposed severance conforms to the West Mountain Area (Heritage Green) Secondary Plan with a proposed density per hectare of 14.35 units.

Stoney Creek Zoning By-law No. 3692-92

The lands are zoned Single Residential - Two (R2) to which the proposed use complies. The proposed lots comply to the required lot area and frontage.

Archaeology

The subject property meets one (1) 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.

This criterion defines 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).”

Recommendation:

Based on the preceding information, the proposal meets the severance policies within the Urban Hamilton Official Plan and the lots generally conform to the Stoney Creek Zoning By-law. The proposal has regard to the matters listed under Section 51 (24) of the *Planning Act*. Staff recommend that the application be approved.

Condition:

1. To the satisfaction of the Manager of Heritage and Urban Design:

“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).”

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. A demolition permit (17-116346) was issued on July 11, 2017 in order to permit the demolition of an existing accessory building. However as of today’s date, the demolition has not been inspected and the permit remains not finalized. As a condition of this severance, the applicant will be required to demolish the existing accessory building (located on the lands to be severed) or alternatively, a

variance will be required to permit the accessory structure to remain on the conveyed/retained lands when no main use/building has been established.

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 demolish the existing accessory building on the lands to be conveyed to the satisfaction of the Planning and Economic Development Department (Planning Division – Zoning Examination Section) or the owner shall receive final approval of any necessary variances from the requirements of the Zoning By-law in order for the accessory building to remain when no principal use is existing on the conveyed lands (Planning Division – Zoning Examination Section).

Development Engineering:

Information:

1. The subject site is located within the urban boundary, however there is currently no sidewalk fronting the property along Slinger Avenue. Therefore, as a condition of approval, the applicant shall pay their share of future concrete sidewalk along the entire frontage of their site on Slinger Avenue, as per the City of Hamilton “New Roads Servicing Rates”.

Recommended Conditions:

1. That the Owner shall pay their share of future concrete sidewalk along the entire frontage of their site on Slinger Avenue, as per the City of Hamilton “New Roads Servicing Rates”, to the satisfaction of the Manager of Development Engineering Approvals.
2. That the Owner must enter into with the City of Hamilton and register, a Consent Agreement, to address issues including but not limited to: lot grading and drainage to a suitable outlet on the conveyed and retained parcels (detailed grading plan required), erosion and sediment control measures (to be included on the grading plan); cash payment requirements for items such as any outstanding servicing cost for the existing municipal services adjacent to the property, street trees (City policy requires one (1) street tree/lot, inspection of grading, stormwater management infrastructure and securities for items that may include: lot grading (\$10,000.00 grading security), water and sewer services inspections, driveway approaches, relocation of any existing infrastructure (such as hydrants) and any damage during construction (unknown costs at this time),

to the satisfaction of the City's Manager of Development Approvals. Note that cash payments mentioned above are subject to change.

Legislative 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 (704.84 m² ±) will be assigned the address of **130 Slinger Avenue (Stoney Creek)** and the lands to be conveyed (688.3 m² ±) will be assigned the address of **132 Slinger Avenue (Stoney Creek)**.

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.

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: July 27, 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: 132 Slinger Avenue, Stoney Creek
File: SC/B-22:69

PREAMBLE

In response to your Agenda listing for the upcoming meeting on Thursday August 11, 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

August. 8. 2022

Committee of Adjustment
City Hall, 5 th. Floor
71 Main Street West,
Hamilton ON L8P 4Y5

Attention: Jamila Sheffield, Secretary Treasurer, Committee of Adjustment.

RE: 132 Slinger Avenue, Stoney Creek, [Application No; SC/B-22:69]

I am an owner and resident of 134 Slinger Ave. Stoney Creek, ON, L8J-2S9, located on the north side of the street. We are an immediate neighbour to the west. I have lived here for more than 30 years. I am very concerned about the proposal to split the above property and build an additional large new house.

I oppose the severance and requested variances and request that the applications be refused.

Slinger Ave. have been a quiet street with the size of the houses balanced to the size of the lot and most have been either bungalows or story and a half in height. The scaling of the buildings to the lot have been important because, yes we have some utilities and municipal services, storm water management have been extremely poor. The soil in the neighbourhood is heavy clay, which does not absorb water easily and the water table gets very high very easily, resulting in basement flooding after a significant storm or snow-melt. We have experienced many of these floodings in the neighbourhood over the years. In addition, on most of the older lots the ground slopes towards the rear of the property, therefore the storm ditch along the side of the street does very little with respect to adequate storm water management.

In the past number of years, the city have allowed the construction of a few large houses, one of them is our immediate neighbour to the west. As a condition they were required to install a stone pit, to reduce the storm water runoff. Unfortunately even that did not completely reduce the runoff of rainwater or melted snow.

The property that is the subject of this hearing, also have a newly built house on it. During the construction the height of ground level have been increased 12"-16" (P;1) around the house with a gradual slope towards the property line(P;2,3). That have added additional runoff of rainwater and melted snow to the water table raising it to just a few inches below ground level on my back yard. As a result it had cracked the concrete pad (P;4) of a small building I have at the back of the property and flooded it. In addition my back yard was virtually inaccessible for several months in the spring.

The addition of a new house and the deep excavations needed for the basement will increase the risk of future flooding. The new house would have the eaves troughs running within one foot of the neighbouring properties, yet there will be less garden and grass to absorb the water.

This area is an old neighbourhood that was never designed or graded to accommodate the density of houses as a new subdivision would be.

Overall, the proposed severance and plan to build an additional house it has major variances, it will affect our views, increase our risk of basement flooding, and reduce our sunlight.

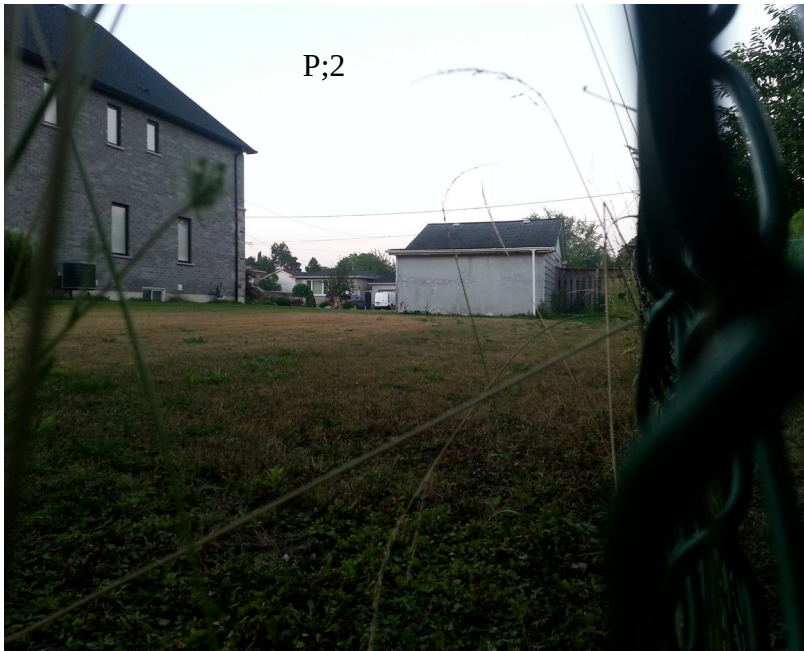
As stated previously, I respectfully request that the Committee of Adjustment refuse the application to sever the lot and build an additional dwelling, or the wary least impose a condition to deal with any excess water run off on to neighbouring properties.

I wish to receive a copy of the Committee of Adjustment Notice of Decision for this property.

Sincerely;

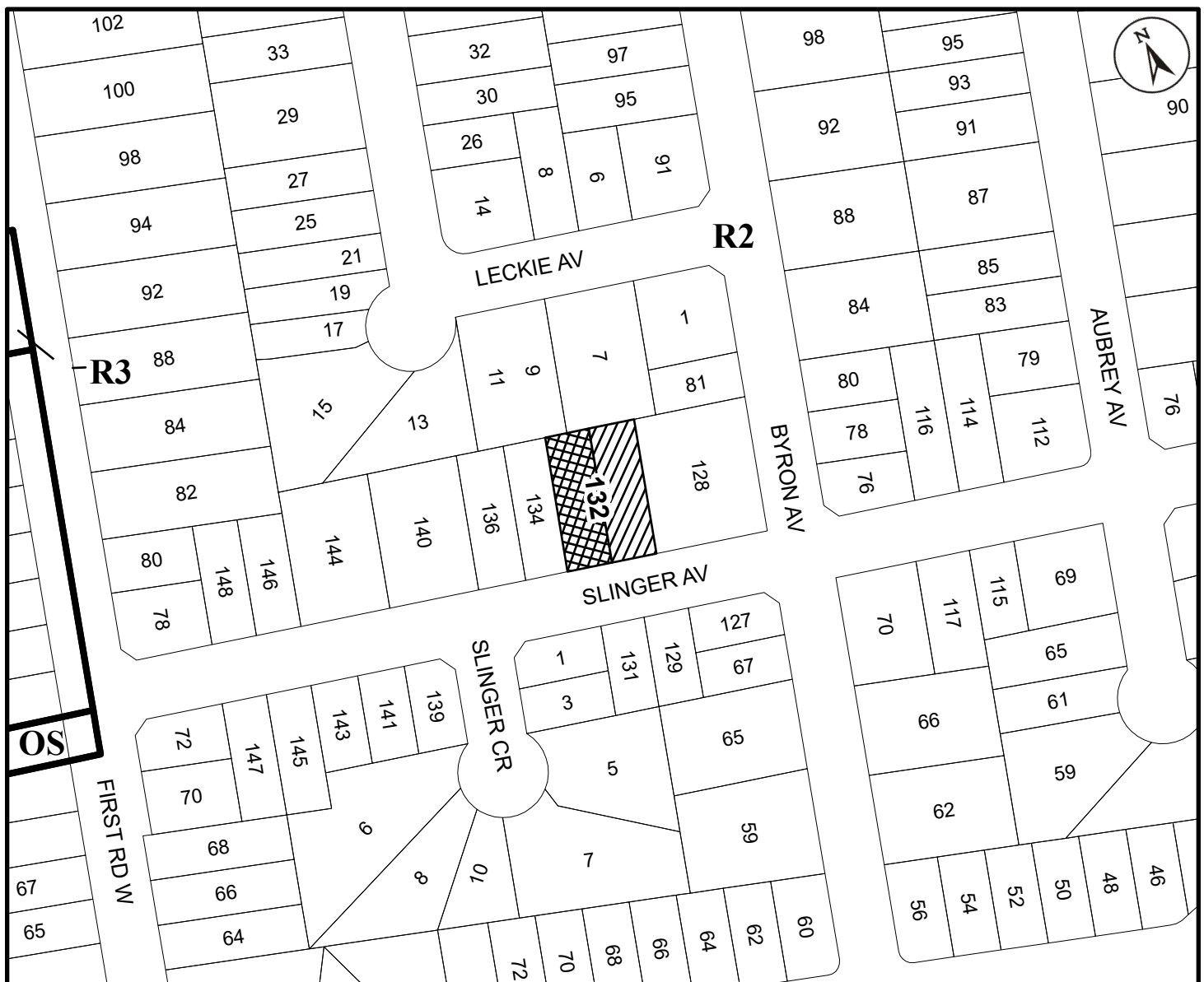
Jozsef Hovan

134 Slinger Ave. Stoney Creek
ON. L8J2S9

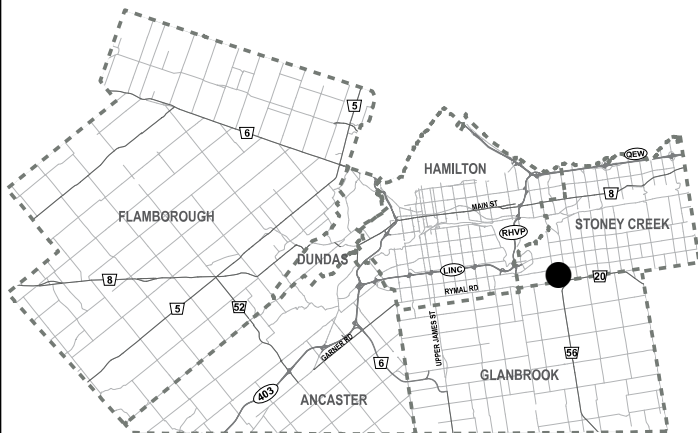


P;4





● Site Location



City of Hamilton

Committee of Adjustment

Subject Property

132 Slinger Avenue, Stoney Creek (Ward 9)



Lands to be Retained



Lands to be Severed

File Name/Number:

SC/B-22:69

Date:

July 28, 2022

Technician:

XX

Map Not To Scale

Appendix "A"



Hamilton

PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT