



City of Hamilton
COMMITTEE OF ADJUSTMENT
ADDENDUM

Meeting #: 24-2
Date: February 13, 2024
Time: 1:00 p.m.
Location: Council Chambers
Hamilton City Hall
71 Main Street West

Jamila Sheffield, Secretary Treasurer (905) 546-2424 ext. 4144
cofa@hamilton.ca

	Pages
2. West Development	
2.1 1:15 p.m.HM/A-23:31676 Barclay Street, Hamilton (Ward 1)	
*2.1.a HM.A.23.316 - Comments	5
2.2 1:20 p.m.HM/A-24:0272 Holmes Avenue, Hamilton (Ward 1)	
*2.2.a HM.A.24.02 - Comments	11
2.3 1:25 p.m.HM/A-23:33340 Ravenscliffe Avenue, Hamilton (Ward 2)	
*2.3.a HM.A.23.333 - Comments	17
2.4 1:30 p.m.HM/B-23:96100 Ferguson Avenue South, Hamilton (Ward 2)	
*2.4.a HM.B.23.96 - Comments	21
*2.4.b HM.B.23.96 - Public Comments	27
2.5 1:35 p.m.HM/B-23:9478 Ontario Avenue, Hamilton (Ward 3)	
*2.5.a HM.B.23.94 - Comments	29
2.6 1:35 p.m.HM/A-23:34078 Ontario Avenue, Hamilton (Ward 3)	

*2.6.a	HM.A.23.340 - Comments	39
*2.6.b	HM.A.23.340 - Public Comments	45
2.7	1:40 p.m.HM/B-23:95270 & 274 Ottawa Street South, Hamilton (Ward 3)	
*2.7.a	HM.B.23.95 - Comments	47
2.8	1:40 p.m.HM/A-23:341270 & 274 Ottawa Street South, Hamilton (Ward 3)	
*2.8.a	HM.A.23.341 - Comments	53
2.9	1:45 p.m.HM/A-23:345115 Terrace Drive, Hamilton (Ward 8)	
*2.9.a	HM.A.23.345 - Comments	59
*2.9.b	HM.A.23.345 - Public Comments	65
2.10	1:50 p.m.FL/A-23:3361524 Kirkwall Road, Flamborough (Ward 13)	
*2.10.a	FL.A.23.336 - Comments	75
*2.10.b	FL.A.23.336 - Public Comments	83
2.11	1:55 p.m.DN/A-23:34898 Sydenham Street, Dundas (Ward 13)	
*2.11.a	DN.A.23.348 - Comments	87
*2.11.b	DN.A.23.348 - Public Comments	99
2.13	2:15 p.m.DN/A-23:33912 Napier Street North, Dundas (Ward 13)	
*2.13.a	DN.A.23.339 - Comments	103
2.14	2:20 p.m.HM/B-24:02 1036 Garth Street, Hamilton (Ward 14)	
*2.14.a	HM.B.24.02 - Comments	109
2.15	2:20 p.m.HM/A-23:3471036 Garth Street, Hamilton (Ward 14)	
*2.15.a	HM.A.23.347 - Comments	117
2.16	2:25 p.m.HM/A-23:338279 Bonaventure Drive, Hamilton (Ward 14)	

*2.16.a	HM.A.23.338 - Comments	123
*2.16.b	HM.A.23.338 - Public Comments	129
2.17	2:30 p.m.AN/A-23:3441-1261 Mohawk Road, Ancaster (Ward 14)	
*2.17.a	AN.A.23.344 - Comments	137
*2.17.b	AN.A.23.344 - Public Comments	143
2.18	2:35 p.m. FL/A-24:0123 Gardenbrook Trail, Flamborough (Ward 15)	
*2.18.a	FL.A.24.01 - Comments	145
3.	East Development	
3.1	2:40 p.m.GL/B-23:933530 Upper James Street, Glanbrook (Ward 11)	
*3.1.a	GL.B.23.93 - Comments	151
*3.1.b	GL.B.23.93 - Public Comments	159
3.2	2:45 p.m.GL/A-23:3433352 Homestead Drive, Glanbrook Ward 11)	
*3.2.a	GL.A.23.343 - Comments	161
3.3	2:50 p.m.SC/B-23:91486 Glover Road, Stoney Creek (Ward 10)	
*3.3.a	SC.B.23.91 - Comments	167
3.4	2:55 p.m.SC/B-23:978 Shoreview Place, Stoney Creek (Ward 10)	
*3.4.a	SC.B.23.97 - Comments	177
3.5	2:55 p.m.SC/A-23:3498 Shoreview Place, Stoney Creek (Ward 10)	
*3.5.a	SC.A.23.349 - Comments	189
3.6	3:00 p.m.SC/A-23:3462251 Rymal Road East, Stoney Creek (Ward 9)	
*3.6.a	SC.A.23.346 - Comments	197
3.7	3:05 p.m.HM/A-23:337531 Queenston Road, Hamilton (Ward 5)	
*3.7.a	HM.A.23.337 - Comments	203

3.8 3:10 p.m.HM/A-23:3421227-1271 Barton Street East, Hamilton (Ward 4)

*3.8.a HM.A.23.342 - Comments 209

3.9 3:15 p.m. HM/A-23:350 193 Jaqueline Boulevard, Hamilton (Ward 8)

*3.9.a HM.A.23.350 - Comments 213



Hamilton

HM/A-23:316 – 76 Barclay Street, Hamilton

Recommendation:

Development Planning - Approve

Proposed Conditions:

N/A

Proposed 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 archeological resources are encountered, the proponent may be required to conduct an archaeological assessment prior to further impact in order to address these concerns and mitigate, through preservation or resource removal and documentation, adverse impacts to any significant archaeological resources found. Mitigation, by an Ontario-licensed archaeologist, may include the monitoring of any mechanical excavation arising from this project. If archaeological resources are identified on-site, further Stage 3 Site-specific Assessment and Stage 4 Mitigation of Development Impacts may be required as determined by the Ontario Ministry of Citizenship and Multiculturalism (MCM). All archaeological reports shall be submitted to the City of Hamilton for approval concurrent with their submission to the MCM.

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



Hamilton

Development Planning:

Background

To facilitate the construction of a proposed Secondary Dwelling unit - detached.

Analysis

Urban Hamilton Official Plan

The subject lands are designated as “Neighbourhoods” in Schedule E-1– Urban Land Use Designations within the Urban Hamilton Official Plan.

B.3.2.4.4 A secondary dwelling unit and a secondary dwelling unit - detached shall be permitted on a single, semi-detached or townhouse lot in all Institutional, Neighbourhoods, Commercial and Mixed Use designations, as shown on Schedule E-1 – Urban Land Use Designations, provided it complies with all applicable policies and Zoning By-law regulations. (OPA 142)(OPA 167, MMAH Mod. 17)

E.3.4.3 Uses permitted in low density residential areas:
a) shall include single-detached, semi-detached, duplex, triplex, fourplex, and street townhouse dwellings; and, (OPA 167)

Ainslie Wood Westdale Secondary Plan

The subject site is further designated “Low Density Residential 2” on Map B.6.2-1 within the Ainslie Wood Westdale Secondary Plan. Policy B.6.2.5.4, among others, are applicable and permit the use.

Archeology

The subject property meets two of the ten criteria used by the City of Hamilton and Ministry of Citizenship and Multiculturalism for determining archaeological potential:

- 1) Within 250 metres of known archaeological sites; and
- 2) In areas of pioneer Euro-Canadian settlement.

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



Hamilton

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

Should deeply buried archaeological materials be found on the property during any of the above development activities the MCM should be notified immediately (416-212-8886). In the event that human remains are encountered during construction, the proponent should immediately contact both MCM 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 consists of a 1.5 storey dwelling and is located in the Westdale South Established Historical Neighbourhood and the Ainslie Wood Westdale Secondary Plan area.

Where new construction and/or alterations or additions to existing structures are proposed in an Established Historical 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.

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

- “B.3.4.1.4 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.3.4.3.6 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.”

Further, the following section of the Ainslie Wood Westdale Secondary Plan, applies:



Hamilton

- “B.6.2.4 The objectives of the Ainslie Wood Westdale Secondary Plan are to:
- c) Ensure new infill housing and renovations are compatible with existing development; and,
 - i) Conserve cultural heritage resources, including buildings and areas of historical and architectural significance.”

The applicant proposes to construct a second storey addition onto an existing accessory building in the rear yard and to establish a Secondary Dwelling Unit - detached.

Staff have reviewed the subject application and would strongly encourage the incorporation of sympathetic materials (e.g., red brick, stone) into the design of the new Secondary Dwelling Unit. Additionally, staff would also encourage incorporating a clipped gable or gable roof design, to remain sympathetic to the surrounding context of the Westdale South Established Historical Neighbourhood.

Staff have no further comments on the application as circulated.

Former City of Hamilton Zoning By-law No. 6593

The subject lands are zoned “C/S-1361” (Urban Protected Residential) Zone which permits the use.

Variance 1

1. A maximum floor area ratio of 0.74 shall be permitted instead of the maximum 0.45 floor area ratio permitted.

The intent of this provision is to ensure there is no overdevelopment of the lands. Staff defers any drainage concerns to Development Engineering.

Staff are of the opinion that the variance maintains the general intent of the By-law as the proposed Secondary Dwelling Unit will not aide to an overdevelopment of the site. Staff are of the opinion the variance is minor in nature and desirable for the development as no negative impacts are anticipated to the subject site or surrounding area. Staff are of the opinion that the variance meets the four tests of a minor variance. Based on the foregoing, staff **support the variance**.

Variance 2

2. A minimum parking space size of 2.06 metres x 6.0 metres shall be permitted instead of the minimum 2.7 metres x 6.0 metres parking space size required.

The intent of this provision is to ensure parking spaces are sufficient size for vehicles to park.

Staff note that the parking space is an existing location for the existing single detached dwelling. Staff are of the opinion that the variance maintains the general intent of the By-law as a vehicle will be able to sufficiently park within the space. Staff are of the opinion the variance is minor in nature and

STAFF COMMENTS**HEARING DATE: February 13, 2024**

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desirable for the development as no negative impacts are anticipated to the subject site or surrounding area. Staff are of the opinion that the variance meets the four tests of a minor variance. Based on the foregoing, staff **support the variance**.

Zoning:

Recommendation:	Comments and Conditions / Notes
Notes:	<ol style="list-style-type: none"> 1. Requested variance are required to facilitate the construction of a proposed secondary dwelling unit- detached. 2. The City of Hamilton is continuing to develop Hamilton Zoning By-law 05-200 which encompasses the former City of Hamilton and the five (5) outlining municipalities. Please be advised that the next phase is the Residential Zones Project which will include Low Density Residential Zones. The subject property may be impacted by upcoming changes scheduled to be heard at the Planning Committee meeting of February 23, 2024.

Development Engineering:

Recommendation:	Approve
Comments:	Provided the existing drainage pattern is maintained, Development Engineering has no objection to the proposed minor variances.

Transportation Planning:

Recommendation:	No comments.
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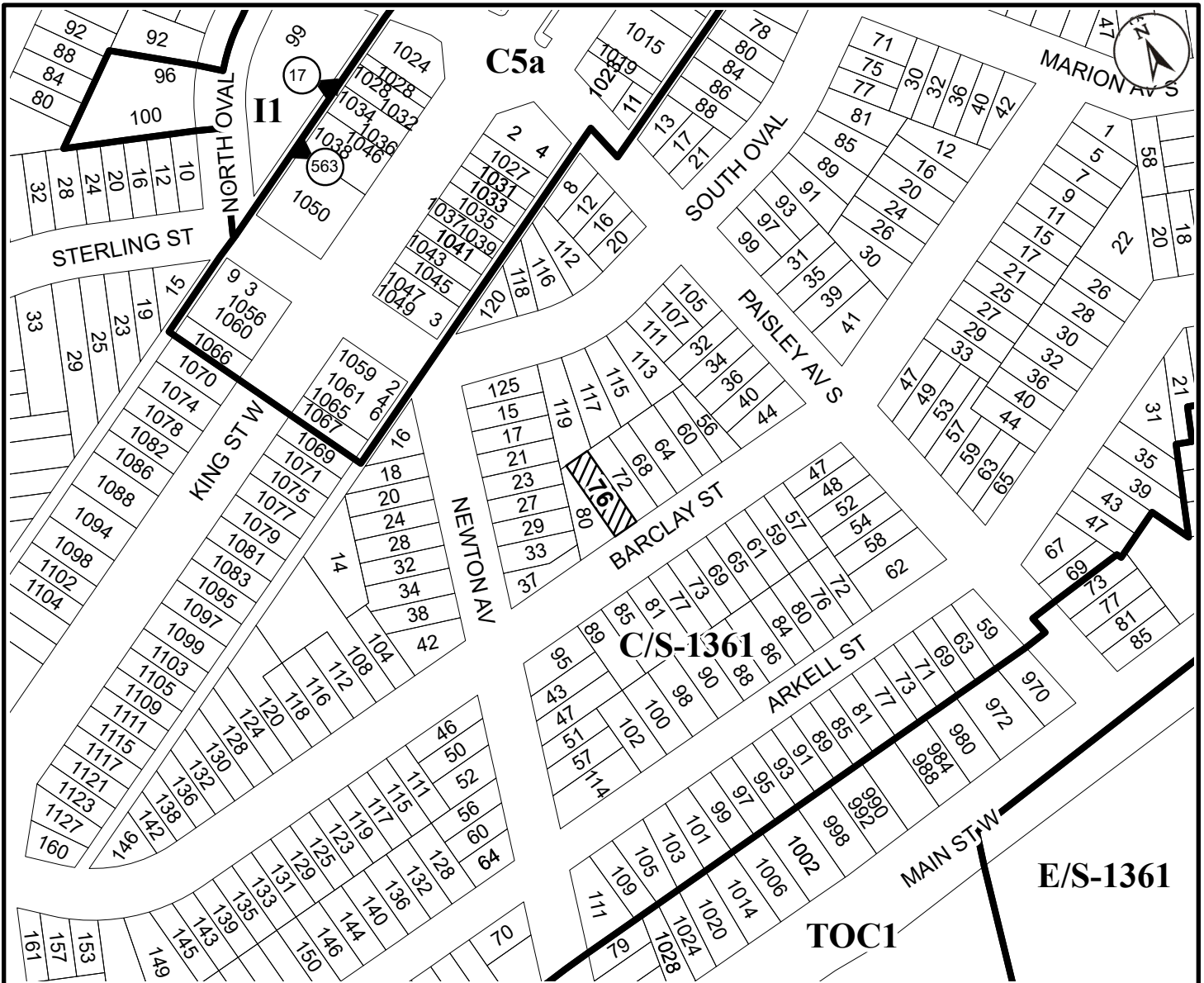
Building Engineering:

Recommendation:	Comments Only
Notes:	A building permit is required for the construction of the proposed.

Legislative Approvals:

Recommendation:	No comments.
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Please Note: Public comment will be posted separately, if applicable.



● Site Location



Committee of Adjustment

Subject Property



76 Barclay Street, Hamilton (Ward 1)

File Name/Number:

HM/A-23:316

Date:

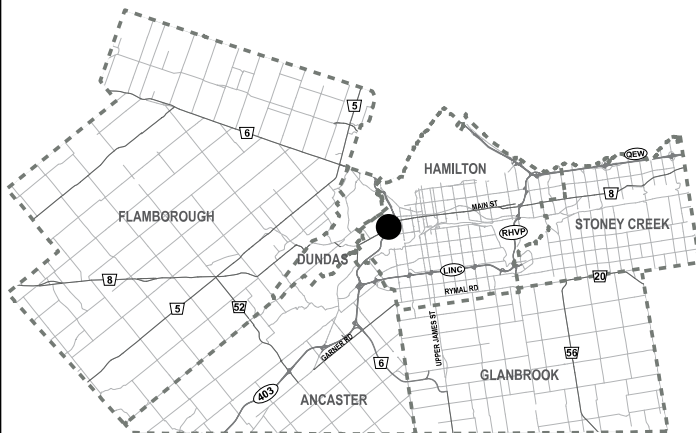
January 29, 2024

Technician:

AL

Map Not To Scale

Appendix "A"



City of Hamilton



Hamilton



Hamilton

HM/A-24:02 – 72 Holmes Avenue, Hamilton

Recommendation:

Development Planning – Approve Variances 1, 2, & 4 and Deny Variance 3

Proposed Conditions:

N/A

Proposed Notes:

N/A



Hamilton

Development Planning:

Background

As to permit the construction of a new single detached dwelling with three secondary dwelling units.

Analysis

Urban Hamilton Official Plan

The subject lands are designated as “Neighbourhoods” in Schedule E-1– Urban Land Use Designations within the Urban Hamilton Official Plan.

B.3.2.4.4 A secondary dwelling unit and a secondary dwelling unit - detached shall be permitted on a single, semi-detached or townhouse lot in all Institutional, Neighbourhoods, Commercial and Mixed-Use designations, as shown on Schedule E-1 – Urban Land Use Designations, provided it complies with all applicable policies and Zoning By-law regulations. (OPA 142)(OPA 167, MMAH Mod. 17)

E.3.4.3 Uses permitted in low density residential areas:

- a) shall include single-detached, semi-detached, duplex, triplex, fourplex, and street townhouse dwellings; and, (OPA 167)

The Urban Hamilton Official Plan permits one interior secondary dwelling unit and one detached secondary dwelling unit on lots that contain a single detached dwelling. The current proposal does not comply with the Official Plan.

Ainslie Wood Westdale Secondary Plan

The subject site is further designated “Low Density Residential 2” on Map B.6.2-1 within the Ainslie Wood Westdale Secondary Plan. Policy B.6.2.5.4, among others, are applicable and permit the use.

Archeology

No comment.

Cultural Heritage

The subject property is located in the Ainslie Wood Westdale Secondary Plan area.

Accordingly, the following sections of the Ainslie Wood Westdale Secondary Plan, applies:



Hamilton

- “B.6.2.4 The objectives of the Ainslie Wood Westdale Secondary Plan are to:
- c) Ensure new infill housing and renovations are compatible with existing development; and,
 - i) Conserve cultural heritage resources, including buildings and areas of historical and architectural significance.”

The applicant proposes to construct a two storey single detached dwelling with three secondary dwelling units.

Staff have reviewed the submitted designs and believe it is sympathetic to the character neighbourhood, and uses compatible rooflines, materials, and setbacks.

Staff have no further comments on the application as circulated.

Former City of Hamilton Zoning By-law No. 6593

The subject lands are zoned “C/S-1335, C/S-1335a & C/S-720” (Urban Protected Residential, Etc.) District, Modified.

Variance 1

1. A maximum encroachment of 2.6 metres into the required rear yard for the fire escape or open stairway shall be provided whereas the by-law permits a maximum encroachment of 1.0 metre into the required rear yard.

The intent of this provision is to limit encroachments into required yards and to allow for sufficient space for the fire escape or stairway to be used. Staff are of the opinion that the variance maintains the general intent of the By-law as sufficient space in the rear will be provided for amenity space and for stairs to be used. Staff are of the opinion the variance is minor in nature and desirable for the development as no negative impacts are anticipated to the subject site or surrounding area. Staff are of the opinion that the variance meets the four tests of a minor variance. Based on the foregoing, staff **support the variance**.

Variance 2

2. A minimum of one parking space shall be provided whereas the By-law requires a minimum of five parking spaces.

The intent of this provision is to ensure sufficient parking space will be provided on site.

Staff note that the calculation for parking within the Former City of Hamilton Zoning By-law No. 6593 results in two parking spaces being allocated for the single detached dwelling for the first eight habitable rooms plus 0.5 parking spaces per each additional habitable room and one additional parking space for each secondary dwelling unit. Staff further note that a single detached dwelling with

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no secondary dwelling units could potentially result in more than two parking spaces depending on the number of habitable rooms. Additionally, staff note that only one parking space can fit sufficiently on the subject site, regardless of additional dwelling units or for a single detached dwelling with no additional dwelling units. Staff are of the opinion that sufficient parking is being provided for a single detached dwelling. Staff further note that there are sufficient alternative modes of transportation, including the neighbourhood's walkability and access to public transit options. Staff are of the opinion the variance is minor in nature and desirable for the development as no negative impacts are anticipated to the subject site or surrounding area. Staff are of the opinion that the variance meets the four tests of a minor variance. Based on the foregoing, staff **support the variance**.

Variance 3

3. A maximum of three secondary dwelling units shall be provided whereas the By-law permits a maximum of one secondary dwelling unit.

The intent of this provision is to allow for one additional dwelling unit within a single detached dwelling.

Staff note that the applicant is requesting a variance to add additional uses to the zone. Staff are of the opinion that the variance does not meet the general intent of the By-law as more than one secondary dwelling is not permitted within a single detached dwelling. Staff are of the opinion the variance is neither desirable for the development nor minor in nature as increasing the number of dwellings within the single detached dwelling may create negative impacts to the surrounding area. Based on the foregoing, staff **do not support the variance**.

Variance 4

4. A minimum of 36% of front yard landscaping shall be provided whereas the By-law requires a minimum of 50% of front yard landscaping.

The intent is to provide consistent landscaping along a streetscape and to provide greenspace. Staff are of the opinion that the proposed variance maintains the general intent of the By-law as a consistent landscaped area is being provided. Staff are of the opinion the variance is minor in nature and desirable for the development as no negative impacts are anticipated to the subject site or surrounding area. Staff are of the opinion that the variance meets the four tests of a minor variance. Based on the foregoing, staff **support the variance**.

Zoning:

Recommendation:	No comments.
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Development Engineering:

Recommendation	Approve
Proposed Conditions:	N/A
Comments:	Provided the existing drainage pattern is maintained, Development Engineering has no objection to the proposed minor variances.

Transportation Planning:

Recommendation:	No comments.
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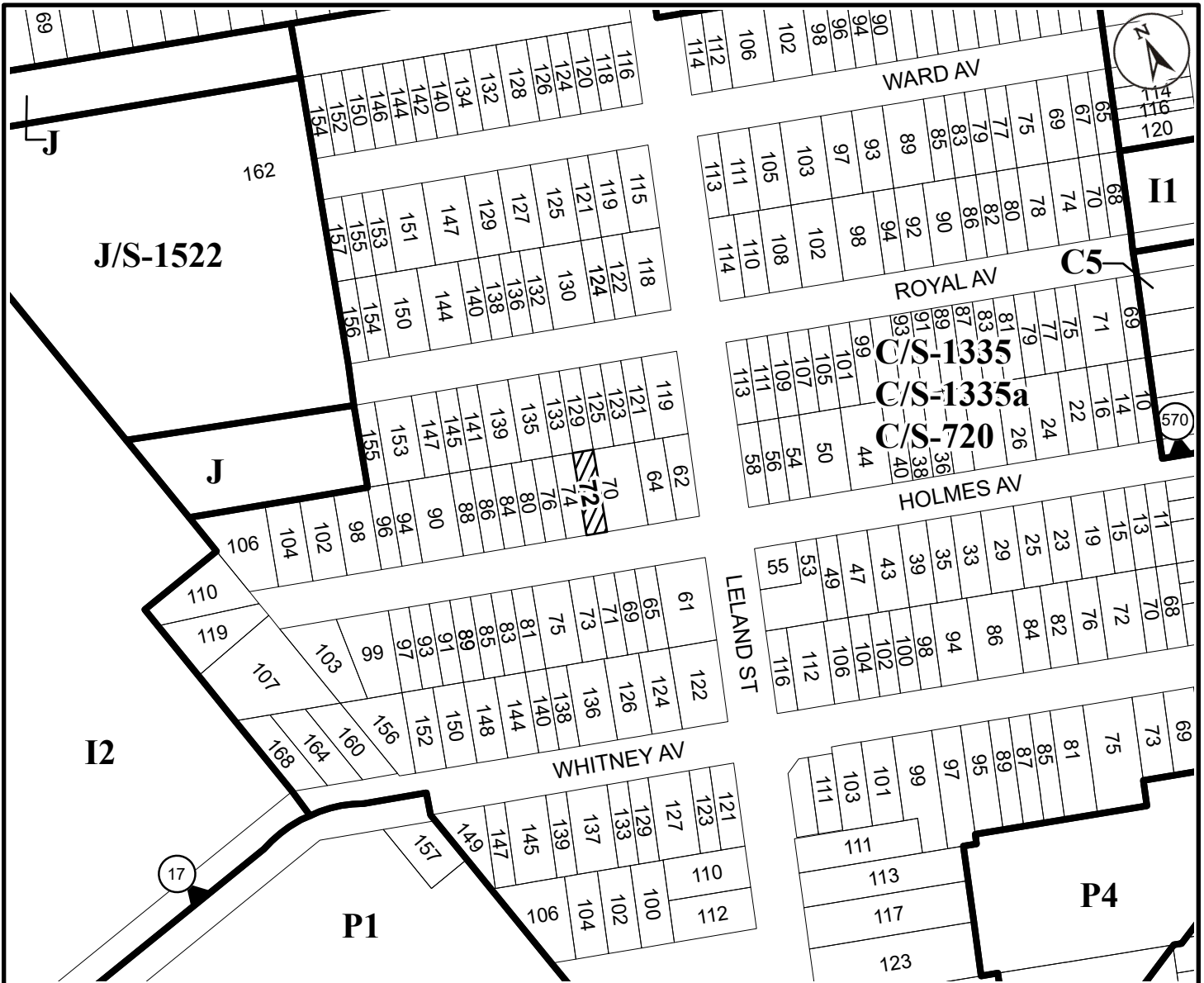
Building Engineering:

Recommendation:	Comments Only
Notes:	<p>A building permit is required for the construction of the proposed.</p> <p>The Ontario Building Code requires a clear height of 1.95m under beams and ducting in basement units.</p> <p>Be advised that Ontario Building Code regulations may require specific setback and construction types.</p>

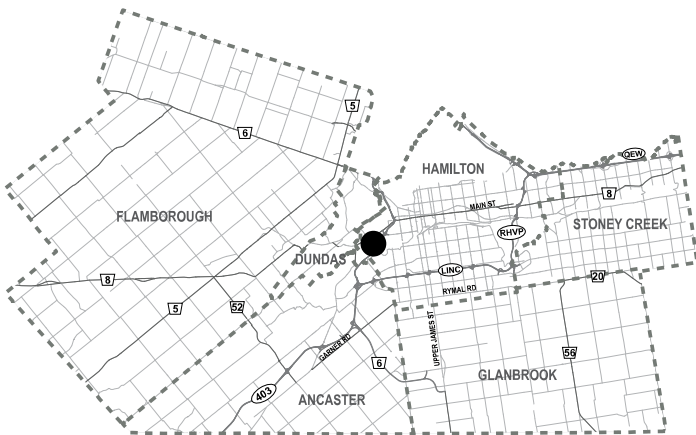
Legislative Approvals:

Recommendation:	No comments.
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Please Note: Public comment will be posted separately, if applicable.



● Site Location



City of Hamilton

Committee of Adjustment

Subject Property



72 Holmes Avenue, Hamilton
(Ward 1)

File Name/Number:

HM/A-24:02

Date:

January 29, 2024

Technician:

AL

Map Not To Scale

Appendix "A"



Hamilton

PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT



Hamilton

HM/A-23:333 – 40 Ravenscliffe Avenue, Hamilton

Recommendation:

Development Planning - Approve

Proposed Conditions:

N/A

Proposed Notes:

N/A



Hamilton

Development Planning:

Background

The application is to permit the construction of a second storey balcony.

Analysis

Urban Hamilton Official Plan

The subject lands are designated as “Neighbourhoods” in Schedule E-1– Urban Land Use Designations within the Urban Hamilton Official Plan.

“E.3.4.3 Uses permitted in low density residential areas:
a) shall include single-detached, semi-detached, duplex, triplex, fourplex, and street townhouse dwellings; and, (OPA 167)”

Archeology

No comment.

Cultural Heritage

No comment.

Former City of Hamilton Zoning By-law No. 6593

The subject lands are zoned “C/S-1822” (Urban Protected Residential & Etc.) District, Modified which permits the use.

Variance 1

1. To permit a balcony to encroach 3.7 metres into the rear yard whereas the Zoning By-law permits a balcony to encroach 1.0 metre into the rear yard.

The intent of this provision is to limit encroachment into a required yard and overlook to adjacent properties. Staff note that the subject site is a through lot with no adjacent parcel of land to the rear. Staff further note that the proposed balcony is replacing an existing balcony located in the general same location. Staff are of the opinion the variance is minor in nature and desirable for the development as no negative impacts are anticipated to the subject site or surrounding area. Staff are of the opinion that the variance meets the four tests of a minor variance. Based on the foregoing, staff **support the variance.**

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Zoning:

Recommendation:	Comments Only
Comments:	<p>1. The variance wording should be updated to read as follows:</p> <p>“To permit a balcony to encroach 3.7 metres into the required yard along the east side fronting on Ravenscliffe whereas the zoning by-law requires a balcony to encroach 1.0 metre into the rear/side yard.”</p>

Development Engineering:

Recommendation:	Approve
Proposed Conditions:	N/A
Comments:	No comments.
Notes:	

Transportation Planning:

Recommendation:	No comments.
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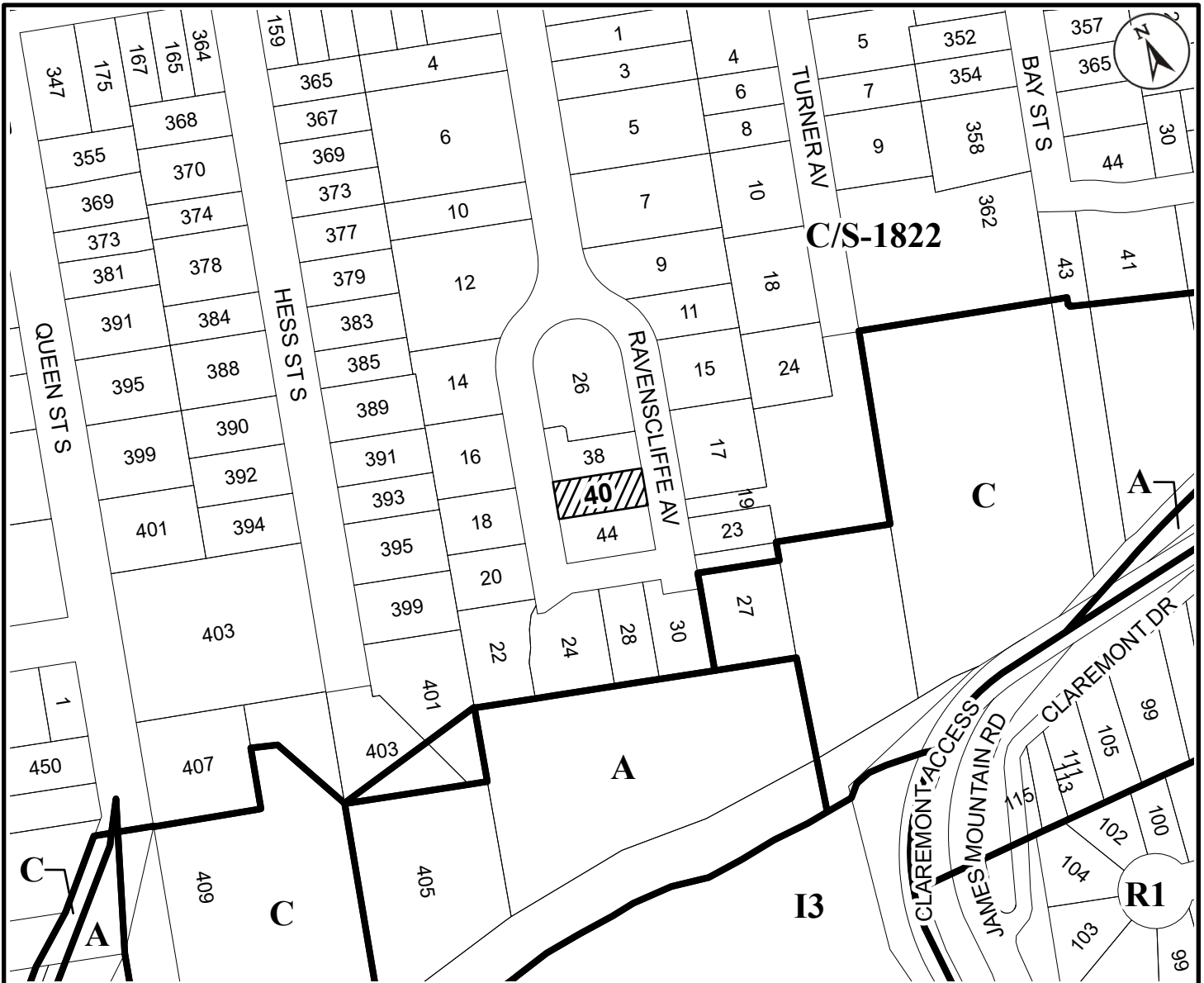
Building Engineering:

Recommendation:	Comments Only
Notes:	<p>A building permit is required for the construction of the proposed.</p> <p>Be advised that Ontario Building Code regulations may require specific setback and construction types.</p>

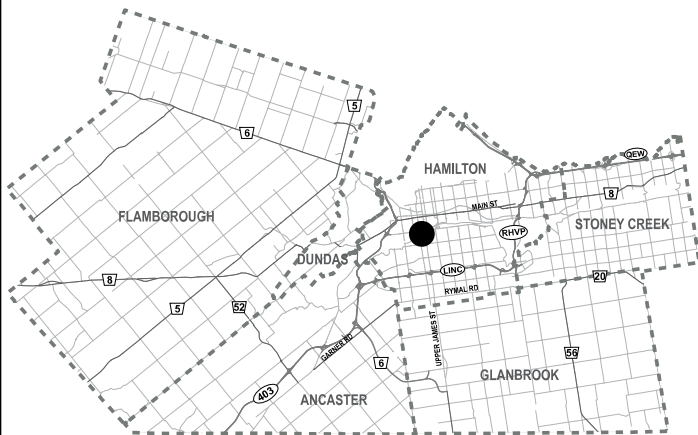
Legislative Approvals:

Recommendation:	No comment.
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Please Note: Public comment will be posted separately, if applicable.



● Site Location



City of Hamilton

Committee of Adjustment

Subject Property



40 Ravenscliffe Avenue, Hamilton
(Ward 2)

File Name/Number:

HM/A-23-333

Date:

January 29, 2024

Technician:

AL

Map Not To Scale

Appendix "A"



Hamilton



Hamilton

HM/B-23:96 – 100 Ferguson Avenue South, Hamilton

Recommendation:

Development Planning - Tabled

Proposed Conditions:

1. The owner shall submit a deposited Ontario Land Surveyor's Reference Plan to the Committee of Adjustment Office, unless exempted by the Land Registrar. The reference plan must be submitted in pdf and also submitted in CAD format, drawn at true scale and location and tied to the City corporate coordinate system. (Committee of Adjustment Section)
2. The owner shall pay any outstanding realty taxes and/or all other charges owing to the City Treasurer. (Committee of Adjustment Section)
3. The owner submits to the Committee of Adjustment office an administration fee, payable to the City of Hamilton, to cover the costs of setting up a new tax account for each newly created lot. (Committee of Adjustment Section)
4. The owner shall comply with Ontario Building Code requirements regarding spatial separation distances of any structures. Compliance to be confirmed by the Planning and Economic Development Department (Building Division – Building Engineering Section).

Proposed Notes:

The lands to be severed (Building B) will remain as 100 Ferguson Avenue South (Hamilton).

The lands to be retained (Building A) will be assigned the address of 108 Ferguson Avenue South (Hamilton).

We ask 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.

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Development Planning:

To permit the conveyance of a parcel of land for residential purposes (existing structures to remain) and to retain a parcel of land for residential development. Staff note that the proposal is subject Site Plan Control application DA-24-004.

	Frontage	Depth	Area
Severed Lands	48.4 m+	56.4 m±	2,705 m ² ±
Retained Lands	51.5 m±	45.8 m±	2,158 m ² ±

Analysis**Urban Hamilton Official Plan**

The subject lands are identified as “Neighbourhoods” in Schedule E – Urban Structure and designated “Neighbourhoods” in Schedule E-1 – Urban Land Use Designations in Volume 1 of the Urban Hamilton Official Plan. Policies F.1.14.3.1, E.3.6.1 and E.3.6.2, among others, are applicable.

Staff note that the consent application is for specific ownership agreements over the development of the subject site. Staff note that the lands are fully serviced with municipal services and will have frontage onto a public road. Staff note that the proposal is for a comprehensive re-development of the lands which will share vehicular access. Staff note that the proposal will require an easement to facilitate the shared vehicle access and parking. As such, staff recommend that the application be **tabled** to allow for the applicant to amend their application to provide an easement.

Archaeology

No comment.

Cultural Heritage

No comment.

Zoning:

Recommendation:	Comments and Conditions / Notes
Proposed Conditions:	<ol style="list-style-type: none"> 1. The owner/applicant shall receive final approval of the appropriate Planning Act application in order to seek relief from the requirements of the Zoning By-law (Planning Division – Zoning Review Section). 2. The owner/applicant shall submit survey evidence that the lands to be retained and the land to be severed, including the location of any

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	<p>existing structure(s), parking and landscaping, etc., conform to the requirements of the Zoning By-Law or alternatively apply for and receive final approval of the appropriate Planning Act application in order to seek relief from the requirements of the Zoning By-law (Planning Division – Zoning Review Section).</p> <p>3. If a Condition for a road widening and/or daylight triangle dedication is required, the owner/applicant shall submit survey evidence that the lands to be severed and the lands to be retained, including the lot width, lot area, the location of any existing structure(s), parking and landscaping, etc., conform to the requirements of the Zoning By-Law or alternatively apply for and receive final approval of the appropriate Planning Act application in order to seek relief from the requirements of the Zoning By-law (Planning Division – Zoning Review Section).</p>
Comments:	<ol style="list-style-type: none"> 1. The owner/applicant should obtain an appropriate municipal address for the proposed parcel(s) from the Legislated Approvals and Staging of Development Section of the Planning and Economic Development Department prior to the issuance of a building permit. 2. The appropriate Planning Act approvals will be required for zoning compliance of the lands to be conveyed and the lands to be retained. 3. In order to clear conditions, the owner/applicant will be required to make application for a Zoning Compliance Review and pay the relevant fees.

Development Engineering:

Recommendation:	Approve
Proposed Conditions:	N/A
Comments:	<ul style="list-style-type: none"> • Detailed grading and servicing review, comments and conditions will be provided under active site plan application DA-24-004. • The proponent will be required to provide separate independent sewer and water services to the severed and retained parcels as specified under the new municipal sewer-use by-law 23-234.

Transportation Planning:

Recommendation:	Approve
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Building Engineering:

Recommendation:	Comments and Conditions / Notes
-----------------	---------------------------------

STAFF COMMENTS**HEARING DATE: February 13, 2024**

Hamilton

Proposed Conditions:	The owner shall comply with Ontario Building Code requirements regarding spatial separation distances of any structures. Compliance to be confirmed by the Planning and Economic Development Department (Building Division – Building Engineering Section).
Comments:	
Notes:	In order to clear conditions, the applicant will be required to make application for Ontario Building Code compliance and pay the relevant fees.

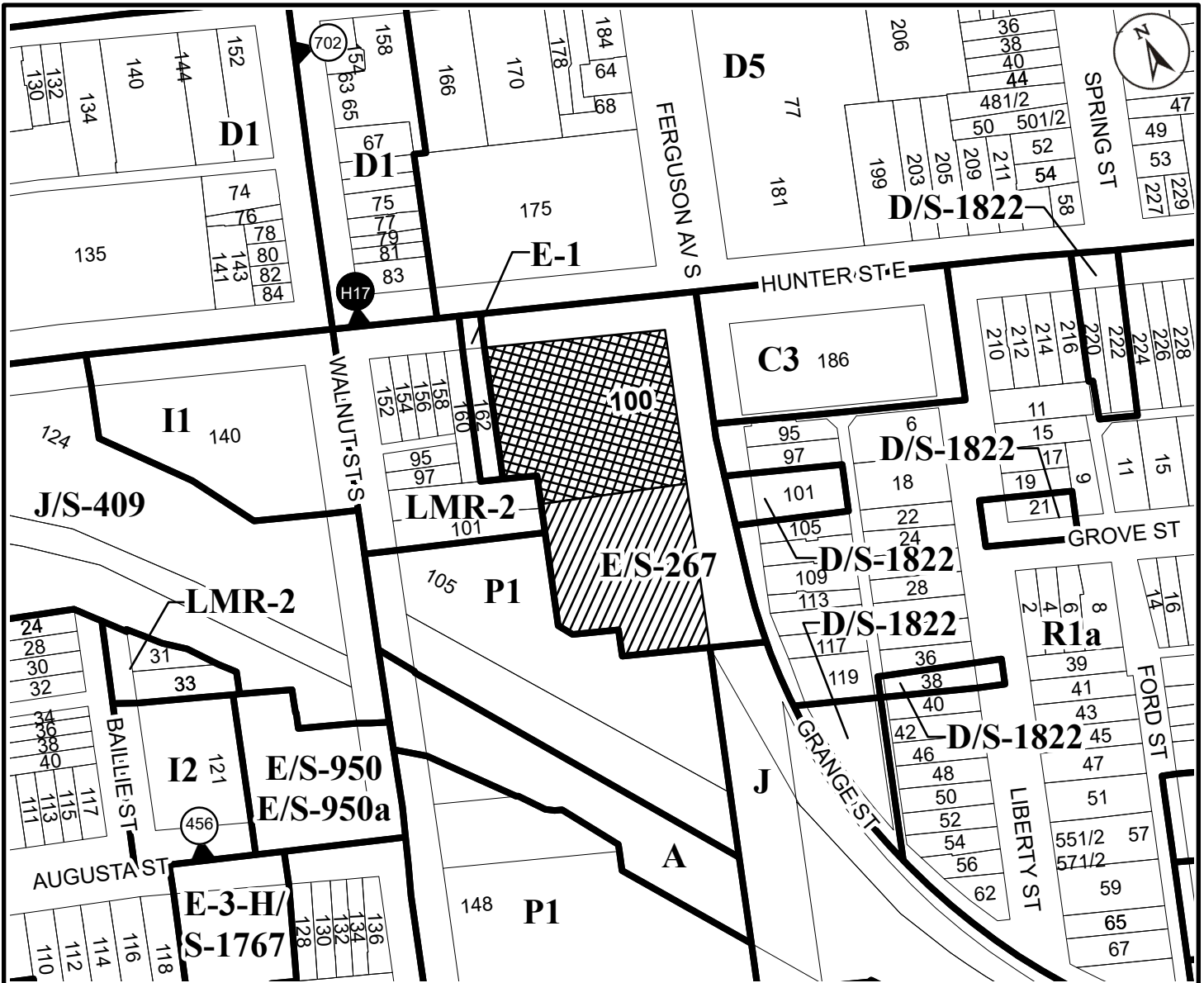
Forestry and Horticulture:

Recommendation:	Approve
Comments:	There are municipal tree assets on site. Forestry will have conditions deferred to site plan application DA-24-004. No public tree permit is required. No Landscape plan required.
Notes:	Prior to a person performing any work on, in or around a public tree an application for a permit shall be submitted to Forestry. Email urbanforest@hamilton.ca for questions or public tree permit application.

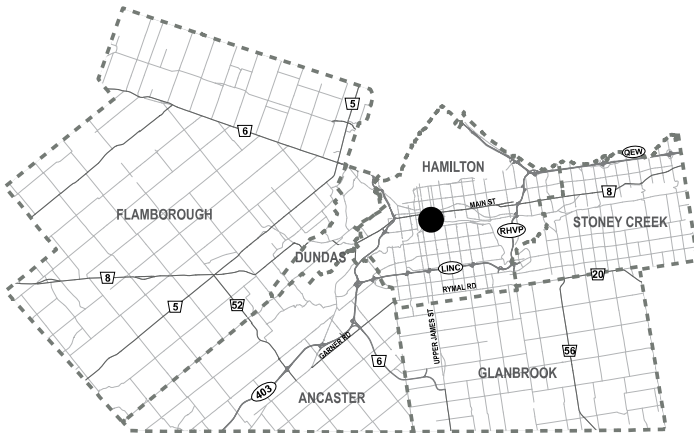
Legislative Approvals:

Recommendation:	Comments Only
Comments:	The lands to be severed (Building B) will remain as 100 Ferguson Avenue South (Hamilton) . The lands to be retained (Building A) will be assigned the address of 108 Ferguson Avenue South (Hamilton) .
Notes:	We ask 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.

Please Note: Public comment will be posted separately, if applicable.



● Site Location





City of Hamilton

Committee of Adjustment

Subject Property

100 Ferguson Avenue South, Hamilton
(Ward 2)

-  Lands to be Retained
-  Lands to be Severed

File Name/Number:

HM/B-23:96

Date:

January 30, 2024

Technician:

AL

Map Not To Scale

Appendix "A"



Hamilton



To: Hamilton - Committee of Adjustment
From: *Adjacent Developments GO Expansion & LRT - Third Party Projects Review - Metrolinx*
Date: February 9th, 2024
Re: HM/B-23:96 - 100 Ferguson Ave S, Hamilton

Metrolinx is in receipt of the consent application for 100 Ferguson Ave S, Hamilton, which has been submitted concurrently with the associated Site Plan application (DA-24-004).

We understand the proposal is to facilitate the severance of the lands to create distinct ownership arrangements over the existing development to the north (severed land) from the new 12-storey residential development to the south (retained land). Metrolinx's comments on the subject application are noted below:

- The subject property is located within 300m of the CP Hamilton Subdivision which carries Metrolinx's Lakeshore West GO Train service.

Advisory Comments:

- As CP Rail is the owner of the railway corridor, they are the authority to provide commentary on matters related to rail safety. Metrolinx suggests that CP Rail is circulated the application for review.
- The Proponent shall provide confirmation to Metrolinx, that the following warning clause has been inserted into all Development Agreements, Offers to Purchase, and Agreements of Purchase and Sale or Lease of each dwelling unit within 300 metres of the Railway Corridor:
 - **Warning:** Metrolinx and its assigns and successors in interest operate commuter transit service within 300 metres from the subject land. In addition to the current use of these lands, there may be alterations to or expansions of the rail and other facilities on such lands in the future including the possibility that Metrolinx or any railway entering into an agreement with Metrolinx or any railway assigns or successors as aforesaid may expand their operations, which expansion may affect the environment of the occupants in the vicinity, notwithstanding the inclusion of any noise and vibration attenuating measures in the design of the development and individual units. Metrolinx will not be responsible for any complaints or claims arising from use of such facilities and/or operations on, over or under these lands.
- As per comments submitted for the related Site Plan Application (DA-24-004), the following conditions will need to be completed prior to site plan approval:
 - The Owner shall grant Metrolinx an environmental easement for operational emissions, which is to be registered on title for all uses within 300 metres of the rail right-of-way. Included is a copy of the form of easement for the Proponent's information. The Proponent may contact Luka.Medved@metrolinx.com with questions and to initiate the registration process. Registration of the easement will be required prior to clearance of Site Plan Approval. (It should be noted that the registration process can take up to 6 weeks).

Should you have any questions or concerns, please do not hesitate to contact me.

Best regards,
 Farah Faroque
 Project Analyst, Third Party Projects Review
 Metrolinx
 10 Bay Street | Toronto | Ontario | M5J 2N8



Form of Easement

WHEREAS the Transferor is the owner of those lands legally described in the Properties section of the Transfer Easement to which this Schedule is attached (the “**Easement Lands**”).

IN CONSIDERATION OF the sum of TWO DOLLARS (\$2.00) and such other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged by the Transferor, the Transferor transfers to the Transferee, and its successors and assigns, a permanent and perpetual non-exclusive easement or right and interest in the nature of a permanent and perpetual non-exclusive easement over, under, along and upon the whole of the Easement Lands and every part thereof for the purposes of discharging, emitting, releasing or venting thereon or otherwise affecting the Easement Lands at any time during the day or night (provided that doing so is not contrary to law applicable to Metrolinx) with noise, vibration and other sounds and emissions of every nature and kind whatsoever, including fumes, odours, dust, smoke, gaseous and particulate matter, electromagnetic interference and stray current but excluding spills, arising from or out of, or in connection with, any and all present and future railway or other transit facilities and operations upon the lands of the Transferee and including, without limitation, all such facilities and operations presently existing and all future renovations, additions, expansions and other changes to such facilities and all future expansions, extensions, increases, enlargement and other changes to such operations.

THIS Easement and all rights and obligations arising from the above easement shall extend to, be binding upon and enure to the benefit of the parties hereto and their respective officers, directors, shareholders, agents, employees, tenants, sub-tenants, customers, licensees and other operators, occupants and invitees and each of its or their respective heirs, executors, legal personal representatives, successors and assigns. The covenants and obligations of a party hereto, if such party comprises more than one person, shall be joint and several.

Easement in gross.



Hamilton

HM/B-23:94 – 78 Ontario Avenue, Hamilton

Recommendation:

Development Planning - Approve

Proposed Conditions:

1. The owner shall submit a deposited Ontario Land Surveyor's Reference Plan to the Committee of Adjustment Office, unless exempted by the Land Registrar. The reference plan must be submitted in pdf and also submitted in CAD format, drawn at true scale and location and tied to the City corporate coordinate system. (Committee of Adjustment Section)
2. The owner shall pay any outstanding realty taxes and/or all other charges owing to the City Treasurer. (Committee of Adjustment Section)
3. The owner submits to the Committee of Adjustment office an administration fee, payable to the City of Hamilton, to cover the costs of setting up a new tax account for each newly created lot. (Committee of Adjustment Section)
4. The owner shall submit survey evidence that the lands to be 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 the appropriate Planning Act application in order to seek relief from the requirements of the Zoning By-law (Planning Division – Zoning Review Section).
5. The owner shall submit a Zoning Compliance Review application to the satisfaction of the Planning and Economic Development Department (Planning Division – Zoning Review Section).
6. The owner/applicant shall apply for a demolition permit to demolish all or an appropriate portion of any buildings straddling the proposed property line, or alternatively apply for and receive final approval of the appropriate Planning Act application in order to seek relief from the requirements of the Zoning By-law (Planning Division – Zoning Review Section).
7. That the Owner must enter into with the City of Hamilton and register, a Consent Agreement, having an administrative fee of \$5,065.00 (includes grading plan review) 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



Hamilton

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 Director of Development Engineering.

8. 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 Examinations Section).

Proposed Notes:

The lands to be retained (Part 1) will remain as 78 Ontario Avenue (Hamilton).

The lands to be severed (Part 2) will be assigned the address of 80 Ontario Avenue (Hamilton).

We ask 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.



Hamilton

Development Planning:

Background

To permit the conveyance of a parcel of land for residential purposes (existing structures to remain) and to retain a parcel of land for residential development.

	Frontage	Depth	Area
Severed Lands	7.5 m±	29.7 m±	222.6 m ² ±
Retained Lands	8.4 m±	29.7 m±	251.7 m ² ±

Analysis

Urban Hamilton Official Plan

The subject lands are identified as “Neighbourhoods” in Schedule E – Urban Structure and designated “Neighbourhoods” in Schedule E-1 – Urban Land Use Designations in Volume 1 of the Urban Hamilton Official Plan. Policies F.1.14.3.1 and E.3.4.3, among others, are applicable.

Policy F.1.14.3.1 requires, among other things, that consents for new lot creation comply with the policies of the Urban Hamilton Official Plan, including secondary plans, and the lots are in conformity with the Zoning By-law, or a minor variance is approved. Staff are of the opinion that the Consent application maintains the general scale and character of Ontario Avenue and the neighbourhood. Staff note that the severed and retained lands have frontage onto a public road and are fully serviced.

Archaeology

No comment.

Cultural Heritage

No comment.

Zoning By-law City of Hamilton 05-200

The subject site is zoned Low Density Residential – Small Lot (R1a) Zone and permits a single detached dwelling.



Hamilton

Lands Retained

Variance 1

1. A minimum lot area of 250 m² shall be provided instead of the minimum lot area of 270 m².

The intent of this provision is to ensure sufficient lot size is provided for the use of land. Staff are of the opinion that the variance maintains the general intent of the By-law as sufficient lot area will be provided for the single detached dwelling. Staff are of the opinion the variance is minor in nature and desirable for the development as no negative impacts are anticipated to the subject site or surrounding area. Staff are of the opinion that the variance meets the four tests of a minor variance. Based on the foregoing, staff **support the variance**.

Variance 2

2. A minimum lot frontage of 8.4 metres shall be provided instead of the minimum lot frontage of 9.0 metres.

The intent of this provision is to provide a consistent low density residential streetscape and to provide sufficient width for a proper building envelope. Staff are of the opinion that the variance maintains the general intent of the By-law as the proposed lot frontage will be consistent along Ontario Avenue. Staff are of the opinion the variance is minor in nature and desirable for the development as no negative impacts are anticipated to the subject site or surrounding area. Staff are of the opinion that the variance meets the four tests of a minor variance. Based on the foregoing, staff **support the variance**.

Variance 3

3. A minimum side yard setback of 1.06 metres shall be provided instead of the minimum side yard setback of 1.2 metres.

The intent of this provision is to provide sufficient access and drainage, as well as to provide an appropriate built form. Staff defers any drainage concerns to Development Engineering. Staff are of the opinion that the variance maintains the general intent of the By-law as access and a proper built form will be provided. Staff are of the opinion the variance is minor in nature and desirable for the development as no negative impacts are anticipated to the subject site or surrounding area. Staff are of the opinion that the variance meets the four tests of a minor variance. Based on the foregoing, staff **support the variance**.

Severed Lands

Variance 4



Hamilton

4. A minimum lot area of 220 m² shall be provided instead of the minimum lot area of 270 m².

The intent of this provision is to ensure sufficient lot size is provided for the use of land. Staff are of the opinion that the variance maintains the general intent of the By-law as sufficient lot area will be provided for the single detached dwelling. Staff are of the opinion the variance is minor in nature and desirable for the development as no negative impacts are anticipated to the subject site or surrounding area. Staff are of the opinion that the variance meets the four tests of a minor variance. Based on the foregoing, staff **support the variance**.

Variance 5

5. A minimum lot frontage of 7.5 metres shall be provided instead of the minimum lot frontage of 9.0 metres.

The intent of this provision is to provide a consistent low density residential streetscape and to provide sufficient width for a proper building envelope. Staff are of the opinion that the variance maintains the general intent of the By-law as the proposed lot frontage will be consistent along Ontario Avenue. Staff are of the opinion the variance is minor in nature and desirable for the development as no negative impacts are anticipated to the subject site or surrounding area. Staff are of the opinion that the variance meets the four tests of a minor variance. Based on the foregoing, staff **support the variance**.

Variance 6

6. A minimum side yard setback of 0.9 metres shall be provided instead of the minimum side yard setback of 1.2 metres.

The intent of this provision is to provide sufficient access, drainage, and to provide a proper built form. Staff defers any drainage concerns to Development Engineering. Staff are of the opinion that the variance maintains the general intent of the By-law as access and a proper built form will be provided. Staff are of the opinion the variance is minor in nature and desirable for the development as no negative impacts are anticipated to the subject site or surrounding area. Staff are of the opinion that the variance meets the four tests of a minor variance. Based on the foregoing, staff **support the variance**.

Zoning:

Recommendation:	Comments and Conditions / Notes
Proposed Conditions:	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 the appropriate

STAFF COMMENTS**HEARING DATE: February 13, 2024**

Hamilton

	<p>Planning Act application in order to seek relief from the requirements of the Zoning By-law (Planning Division – Zoning Review Section).</p> <ol style="list-style-type: none"> 2. The owner shall submit a Zoning Compliance Review application to the satisfaction of the Planning and Economic Development Department (Planning Division – Zoning Review Section). 3. The owner/applicant shall apply for a demolition permit to demolish all or an appropriate portion of any buildings straddling the proposed property line, or alternatively apply for and receive final approval of the appropriate Planning Act application in order to seek relief from the requirements of the Zoning By-law (Planning Division – Zoning Review Section).
Comments:	<ol style="list-style-type: none"> 1. This application should be heard in conjunction with Minor Variance application HM/A-23:340. 2. Be advised that if the detached garage is not demolished at the same time as the dwelling, final approval of the appropriate Planning Act application will be required to permit the detached garage to remain on the retained lands when no principal use/building has been established. 3. 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. 4. No dimensions for the proposed dwelling on the lot to be conveyed have been shown on the submitted survey; therefore, this Division cannot confirm zoning compliance. 5. All or an appropriate portion of the building straddling the proposed property line shall be demolished in order to achieve zoning compliance, or the owner/applicant shall receive final approval of the appropriate Planning Act application.

Development Engineering:

Recommendation:	Approve with Conditions
Proposed Conditions:	That the Owner must enter into with the City of Hamilton and register, a Consent Agreement , having an administrative fee of \$5,065.00 (includes grading plan review) to address issues including but not limited to: lot grading and drainage to a suitable outlet on the conveyed and retained

STAFF COMMENTS**HEARING DATE: February 13, 2024**

Hamilton

	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 Director of Development Engineering.
Comments:	The proponent will be required to provide separate independent sewer and water services to the severed and retained parcels.

Transportation Planning:

Recommendation:	Approve
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Building Engineering:

Recommendation:	Comments and Conditions / Notes
Proposed Conditions:	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 Examinations Section).
Notes:	In order to clear conditions, the applicant will be required to make application for Ontario Building Code compliance and pay the relevant fees.

Forestry and Horticulture:

Recommendation:	Approve
Comments:	There are no Municipal Tree Assets on site. No public tree permit is required. No Landscape plan required. Forestry has no concerns or conditions regarding this application. For questions please contact: urbanforest@hamilton.ca

Legislative Approvals:

STAFF COMMENTS**HEARING DATE: February 13, 2024**

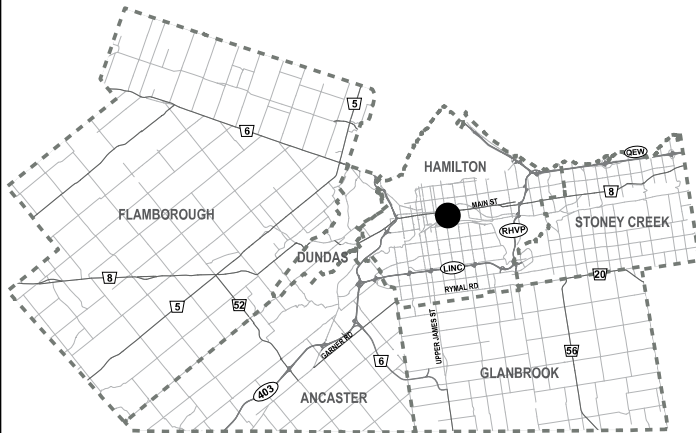
Hamilton

Recommendation	Comments Only
Comments:	<p>The lands to be retained (Part 1) will remain as 78 Ontario Avenue (Hamilton).</p> <p>The lands to be severed (Part 2) will be assigned the address of 80 Ontario Avenue (Hamilton).</p>
Notes:	<p>We ask 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.</p>

Please Note: Public comment will be posted separately, if applicable.



● Site Location





City of Hamilton

Committee of Adjustment

Subject Property

78 Ontario Avenue, Hamilton (Ward 3)

 Lands to be Retained

 Lands to be Severed

File Name/Number:
HM/B-23:94

Date:
January 30, 2024

Technician:
AL

Map Not To Scale

Appendix "A"



Hamilton



Hamilton

HM/A-23:340 – 78 Ontario Avenue, Hamilton

Recommendation:

Development Planning - Approve

Proposed Conditions:

N/A

Proposed Notes:

N/A



Hamilton

Development Planning:

Background

To permit the conveyance of a parcel of land for residential purposes (existing structures to remain) and to retain a parcel of land for residential development.

	Frontage	Depth	Area
Severed Lands	7.5 m±	29.7 m±	222.6 m ² ±
Retained Lands	8.4 m±	29.7 m±	251.7 m ² ±

Analysis

Urban Hamilton Official Plan

The subject lands are identified as “Neighbourhoods” in Schedule E – Urban Structure and designated “Neighbourhoods” in Schedule E-1 – Urban Land Use Designations in Volume 1 of the Urban Hamilton Official Plan. Policies F.1.14.3.1 and E.3.4.3, among others, are applicable.

Policy F.1.14.3.1 requires, among other things, that consents for new lot creation comply with the policies of the Urban Hamilton Official Plan, including secondary plans, and the lots are in conformity with the Zoning By-law, or a minor variance is approved. Staff are of the opinion that the Consent application maintains the general scale and character of Ontario Avenue and the neighbourhood. Staff note that the severed and retained lands have frontage onto a public road and are fully serviced.

Archaeology

No comment.

Cultural Heritage

No comment.

Zoning By-law City of Hamilton 05-200

The subject site is zoned Low Density Residential – Small Lot (R1a) Zone and permits a single detached dwelling.



Hamilton

Lands Retained

Variance 1

1. A minimum lot area of 250 m² shall be provided instead of the minimum lot area of 270 m².

The intent of this provision is to ensure sufficient lot size is provided for the use of land. Staff are of the opinion that the variance maintains the general intent of the By-law as sufficient lot area will be provided for the single detached dwelling. Staff are of the opinion the variance is minor in nature and desirable for the development as no negative impacts are anticipated to the subject site or surrounding area. Staff are of the opinion that the variance meets the four tests of a minor variance. Based on the foregoing, staff **support the variance**.

Variance 2

2. A minimum lot frontage of 8.4 metres shall be provided instead of the minimum lot frontage of 9.0 metres.

The intent of this provision is to provide a consistent low density residential streetscape and to provide sufficient width for a proper building envelope. Staff are of the opinion that the variance maintains the general intent of the By-law as the proposed lot frontage will be consistent along Ontario Avenue. Staff are of the opinion the variance is minor in nature and desirable for the development as no negative impacts are anticipated to the subject site or surrounding area. Staff are of the opinion that the variance meets the four tests of a minor variance. Based on the foregoing, staff **support the variance**.

Variance 3

3. A minimum side yard setback of 1.06 metres shall be provided instead of the minimum side yard setback of 1.2 metres.

The intent of this provision is to provide sufficient access and drainage, as well as to provide an appropriate built form. Staff defers any drainage concerns to Development Engineering. Staff are of the opinion that the variance maintains the general intent of the By-law as access and a proper built form will be provided. Staff are of the opinion the variance is minor in nature and desirable for the development as no negative impacts are anticipated to the subject site or surrounding area. Staff are of the opinion that the variance meets the four tests of a minor variance. Based on the foregoing, staff **support the variance**.

Severed Lands

Variance 4



Hamilton

4. A minimum lot area of 220 m² shall be provided instead of the minimum lot area of 270 m².

The intent of this provision is to ensure sufficient lot size is provided for the use of land. Staff are of the opinion that the variance maintains the general intent of the By-law as sufficient lot area will be provided for the single detached dwelling. Staff are of the opinion the variance is minor in nature and desirable for the development as no negative impacts are anticipated to the subject site or surrounding area. Staff are of the opinion that the variance meets the four tests of a minor variance. Based on the foregoing, staff **support the variance**.

Variance 5

5. A minimum lot frontage of 7.5 metres shall be provided instead of the minimum lot frontage of 9.0 metres.

The intent of this provision is to provide a consistent low density residential streetscape and to provide sufficient width for a proper building envelope. Staff are of the opinion that the variance maintains the general intent of the By-law as the proposed lot frontage will be consistent along Ontario Avenue. Staff are of the opinion the variance is minor in nature and desirable for the development as no negative impacts are anticipated to the subject site or surrounding area. Staff are of the opinion that the variance meets the four tests of a minor variance. Based on the foregoing, staff **support the variance**.

Variance 6

6. A minimum side yard setback of 0.9 metres shall be provided instead of the minimum side yard setback of 1.2 metres.

The intent of this provision is to provide sufficient access, drainage, and to provide a proper built form. Staff defers any drainage concerns to Development Engineering. Staff are of the opinion that the variance maintains the general intent of the By-law as access and a proper built form will be provided. Staff are of the opinion the variance is minor in nature and desirable for the development as no negative impacts are anticipated to the subject site or surrounding area. Staff are of the opinion that the variance meets the four tests of a minor variance. Based on the foregoing, staff **support the variance**.

Zoning:

Recommendation:	Comments Only
Comments:	<ol style="list-style-type: none"> 1. This application shall be heard in conjunction with Consent application HM/B-23:94 2. The variances are written as requested by applicant.

STAFF COMMENTS**HEARING DATE: February 13, 2024**

Hamilton

	<p>3. Additional variances may be required.</p> <p>4. This property is listed in the City of Hamilton's Inventory of Buildings of Architectural and/or Historical Interest as a property of cultural heritage value or interest. Please contact a Cultural Heritage Planner CulturalHeritagePlanning@hamilton.ca for further information.</p>
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Development Engineering:

Recommendation:	Approve
Proposed Conditions:	N/A
Comments:	Provided the existing drainage pattern is maintained, Development Engineering has no objection to the proposed minor variances.

Transportation Planning:

Recommendation:	No comments.
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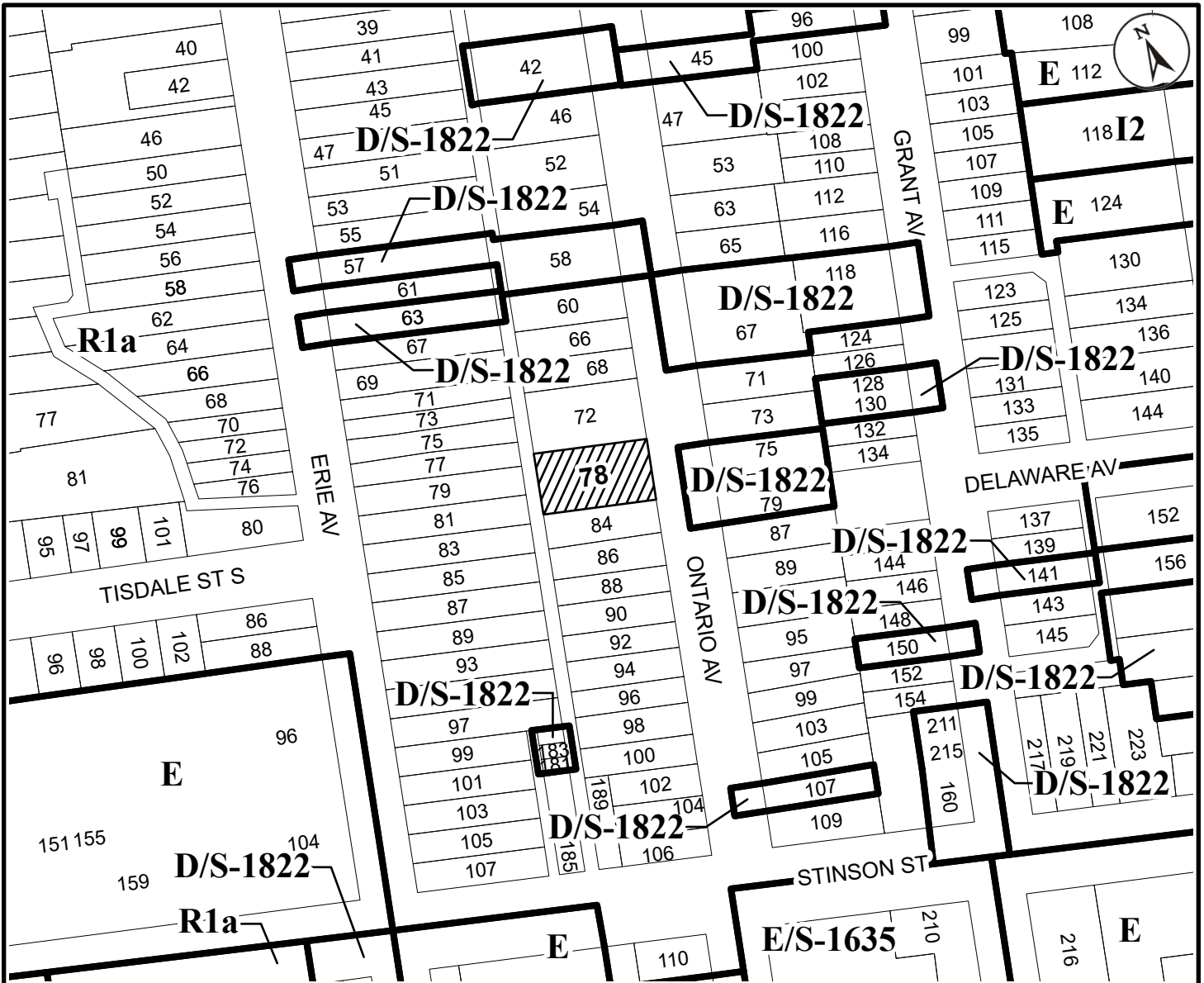
Building Engineering:

Recommendation:	Comments Only
Notes:	<p>Be advised that Ontario Building Code regulations may require specific setback and construction types</p> <p>A demolition permit is required for the demolition of the existing detached garage.</p> <p>A demolition permit is required for the demolition of the existing shed.</p>

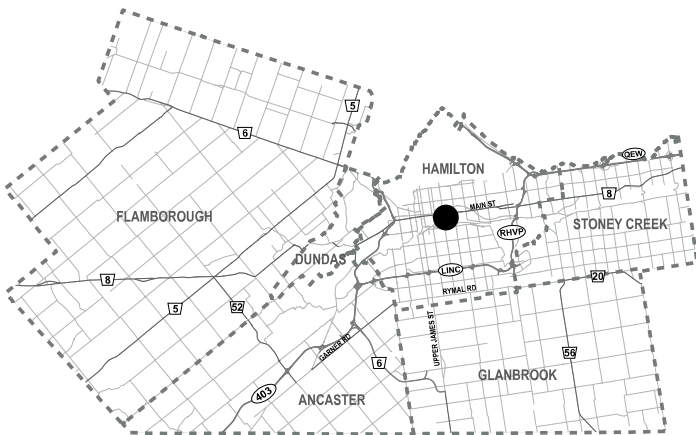
Legislative Approvals:

Recommendation:	No comments.
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Please Note: Public comment will be posted separately, if applicable.



● Site Location



City of Hamilton

Committee of Adjustment

Subject Property



78 Ontario Avenue, Hamilton
(Ward 3)

File Name/Number:

HM/A-23:340

Date:

January 29, 2024

Technician:

AL

Map Not To Scale

Appendix "A"



Hamilton

From: [Hope Kaustinen](#)
To: [Committee of adjustment](#)
Subject: 78 Ontario Ave
Date: Thursday, February 8, 2024 9:03:12 PM

78 Ontario Ave.,
Application No.: HM/A-23:340

As close neighbours of this property, we have a few concerns in regards to the proposal of its severing. The house that exists there now is already being divided into multiple units, and currently does not provide sufficient parking for the number of possible tenants. Our street already has parking issues and is at the maximum capacity of cars that park with permits.

As well, the severing of this property would completely remove any green space from that lot by the proposed structure and the inadequate parking spaces being proposed. The other concern is the closeness of the new propose structure to the existing structures on either side. To have this structure only .9 m from either building causes concern.

We strongly disagree with all deviations proposed for the severance of this property.

Regard,

Frank Berki
Hope Kaustinen
87 Ontario Ave.
Hamilton

STAFF COMMENTS**HEARING DATE: February 13, 2024**Hamilton

HM/B-23:95 – 270 & 274 Ottawa Street South, Hamilton

Recommendation:

Development Planning - Approve

Proposed Conditions:

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/applicant shall receive final and binding approval of minor variance application HM/A-23:341 (Planning Division – Zoning Review Section).
5. The owner/applicant 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 the appropriate Planning Act application in order to seek relief from the requirements of the Zoning By-law (Planning Division – Zoning Review Section).
6. That the Owner provide separate independent sewer and water services or proof of separate independent sewer and water services to both the severed and retained parcels. If there are shared sewer or water services between the severed and retained parcels, the Owner will be required to enter into and register on title of the lands, a Joint Service Agreement and pay the applicable agreement preparation fee for the current year, all to the satisfaction of the City's Manager of Development Engineering.
7. 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 Examinations Section).

Proposed Notes:

N/A



Hamilton

Development Planning:

To permit the conveyance of a parcel of land for residential purposes, all existing structures to remain, and to retain a parcel of land for residential purposes, all existing structures to remain, and also to permit the creation of an easement over a portion of lands for access and maintenance purposes.

	Frontage	Depth	Area
Severed Lands	9.14 m±	35.27 m±	322.1 m ² ±
Retained Lands	9.14 m±	35.27 m±	322.1 m ² ±
Easement Land – 274 Ottawa Street	1.00 m	16.0	16.0 m ²
Easement Land – 270 Ottawa Street	2.00 m	16.0	32.0 m ²

Analysis

Urban Hamilton Official Plan

The subject lands are identified as “Neighbourhoods” in Schedule E – Urban Structure and designated “Neighbourhoods” in Schedule E-1 – Urban Land Use Designations in Volume 1 of the Urban Hamilton Official Plan. Policies F.1.14.3.1 and E.3.4.3, among others, are applicable.

Policy F.1.14.3.1 requires, among other things, that consents for new lot creation comply with the policies of the Urban Hamilton Official Plan, including secondary plans, and the lots are in conformity with the Zoning By-law or a minor variance is approved. Staff are of the opinion that the Consent application maintains the general scale and character of Ontario Avenue and the neighbourhood. Staff note that the severed and retained lands have frontage onto a public road and are fully serviced. Staff note that the proposal is to re-establish two parcels that inadvertently merged. No constructions or demolition is proposed.

Archaeology

No comment.

Cultural Heritage

No comment.



Hamilton

Zoning By-law City of Hamilton 05- 200

The subject site is zoned Low Density Residential – Small Lot (“R1a”) Zone and permits a single detached dwelling.

Variances 1-5

1. A minimum 0.4 metre side yard setback for an accessory building shall be provided instead of the minimum required 1.2 metre side yard setback for an accessory building.
2. A minimum 40% landscaped area in the front yard shall be provided instead of the minimum required 50% landscaped area in the front yard.
3. A deck, porch, and steps, shall be permitted within the front yard instead of the requirement that where a driveway is provided in the front yard, all other portions of the front yard shall be landscaped area.
4. A minimum aisle width of 4.0 metre for 90 degree parking shall be provided instead of the minimum required aisle width of 6.0 metre for 90 degree parking is required.
5. A minimum of 1 parking space for a Single Detached Dwelling shall be provided instead of the minimum required 2 parking spaces for a Single Detached Dwelling.

Staff note that all the variances being requested are existing conditions that are due to an inadvertent merger. Staff note no changes are being proposed on site. Staff are of the opinion the four tests are being met. Based on the foregoing, staff **support the variances**.

Zoning:

Recommendation:	Comments and Conditions / Notes
Proposed Conditions:	<ol style="list-style-type: none"> 1. The owner/applicant shall receive final and binding approval of minor variance application HM/A-23:341 (Planning Division – Zoning Review Section). 2. The owner/applicant 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 the appropriate Planning Act application in order to seek relief from the requirements of the Zoning By-law (Planning Division – Zoning Review Section).

STAFF COMMENTS**HEARING DATE: February 13, 2024**

Hamilton

Comments:	<ol style="list-style-type: none"> 1. No dimensions for the existing parking spaces have been shown on the submitted survey; therefore, this Division cannot confirm zoning compliance. 2. In order to clear conditions, the owner/applicant will be required to make application for a Zoning Compliance Review and pay the relevant fees. 3. The City of Hamilton is continuing to develop Hamilton Zoning By-law 05-200 which encompasses the former City of Hamilton and the five (5) outlining municipalities. Please be advised that the next phase is the Residential Zones Project which will include Low Density Residential Zones. The subject property may be impacted by upcoming changes scheduled to be heard at the Planning Committee meeting of February 23, 2024.
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Development Engineering:

Recommendation:	Approve with Conditions
Proposed Conditions:	That the Owner provide separate independent sewer and water services or proof of separate independent sewer and water services to both the severed and retained parcels. If there are shared sewer or water services between the severed and retained parcels, the Owner will be required to enter into and register on title of the lands, a Joint Service Agreement and pay the applicable agreement preparation fee for the current year, all to the satisfaction of the City's Manager of Development Engineering.

Transportation Planning:

Recommendation:	Approve
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Building Engineering:

Recommendation:	Comments and Conditions / Notes
Proposed Conditions:	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 Examinations Section).
Comments:	
Notes:	In order to clear conditions, the applicant will be required to make application for Ontario Building Code compliance and pay the relevant fees.

STAFF COMMENTS**HEARING DATE: February 13, 2024**

Hamilton

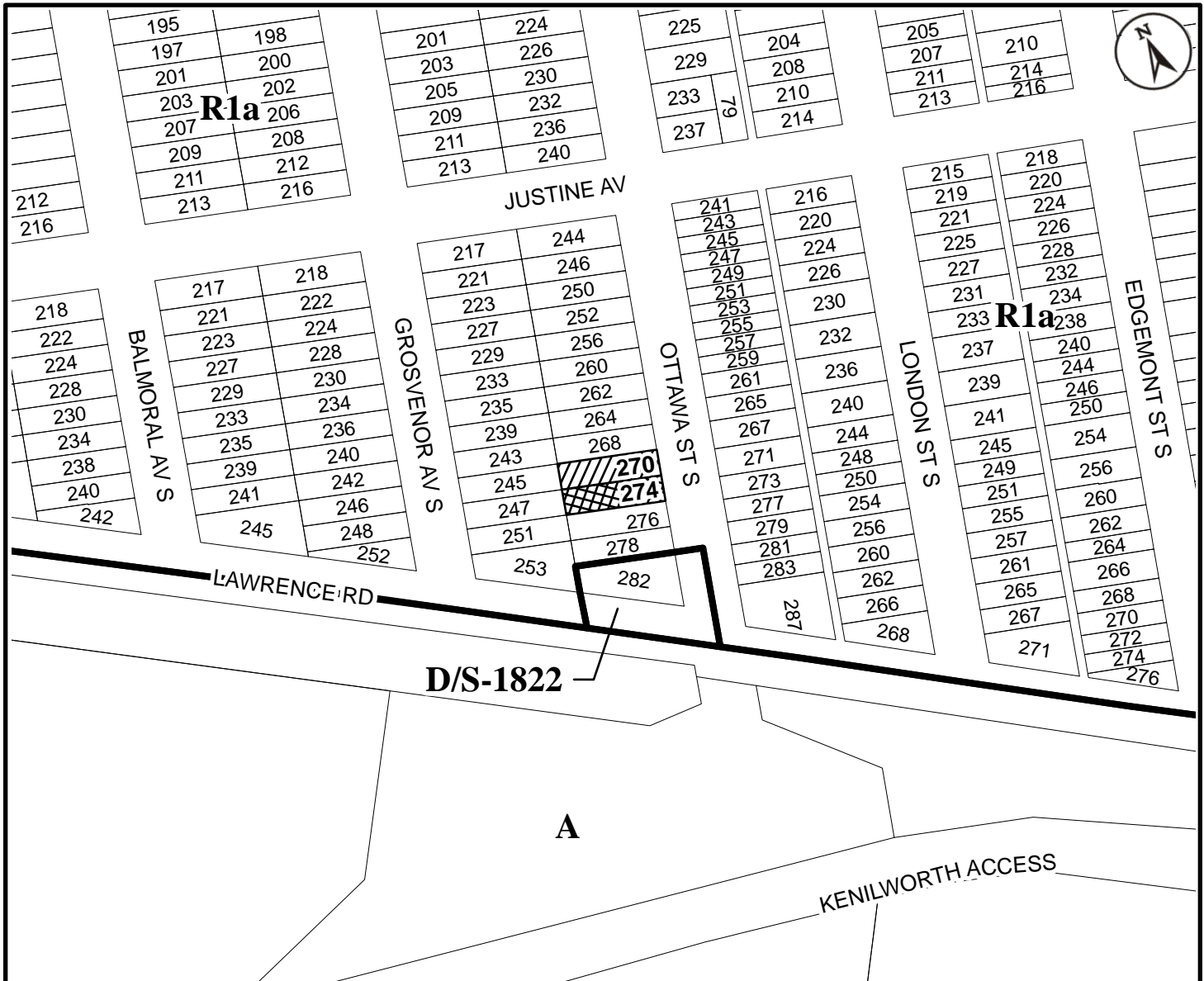
Forestry and Horticulture:

Recommendation:	Approve
Comments:	There are municipal tree assets on site although it is determined that no impacts are anticipated through this application. No public tree permit is required. No Landscape plan required.
Notes:	Prior to a person performing any work on, in or around a public tree an application for a permit shall be submitted to Forestry. Email urbanforest@hamilton.ca for questions or public tree permit application.

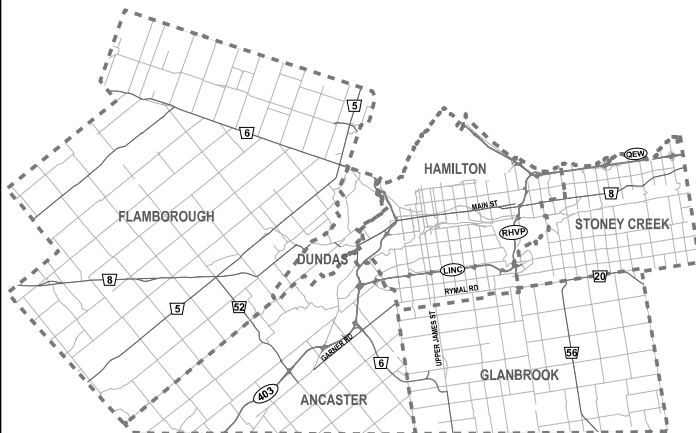
Legislative Approvals:

Recommendation:	No Comments.
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Please Note: Public comment will be posted separately, if applicable.



● Site Location





City of Hamilton

Committee of Adjustment

Subject Property

270 & 274 Ottawa Street South,
Hamilton (Ward 3)

-  Lands to be Retained
-  Lands to be Severed

File Name/Number:
HM/B-23:95

Date:
February 1, 2024

Technician:
AL

Map Not To Scale

Appendix "A"



Hamilton



Hamilton

HM/A-23:341 – 270 & 274 Ottawa Street South, Hamilton

Recommendation:

Development Planning - Approve

Proposed Conditions:

N/A

Proposed Notes:

N/A



Hamilton

Development Planning:

To permit the conveyance of a parcel of land for residential purposes, all existing structures to remain, and to retain a parcel of land for residential purposes, all existing structures to remain, and also to permit the creation of an easement over a portion of lands for access and maintenance purposes.

	Frontage	Depth	Area
Severed Lands	9.14 m±	35.27 m±	322.1 m ² ±
Retained Lands	9.14 m±	35.27 m±	322.1 m ² ±
Easement Land – 274 Ottawa Street	1.00 m	16.0	16.0 m ²
Easement Land – 270 Ottawa Street	2.00 m	16.0	32.0 m ²

Analysis

Urban Hamilton Official Plan

The subject lands are identified as “Neighbourhoods” in Schedule E – Urban Structure and designated “Neighbourhoods” in Schedule E-1 – Urban Land Use Designations in Volume 1 of the Urban Hamilton Official Plan. Policies F.1.14.3.1 and E.3.4.3, among others, are applicable.

Policy F.1.14.3.1 requires, among other things, that consents for new lot creation comply with the policies of the Urban Hamilton Official Plan, including secondary plans, and the lots are in conformity with the Zoning By-law or a minor variance is approved. Staff are of the opinion that the Consent application maintains the general scale and character of Ontario Avenue and the neighbourhood. Staff note that the severed and retained lands have frontage onto a public road and are fully serviced. Staff note that the proposal is to re-establish two parcels that inadvertently merged. No constructions or demolition is proposed.

Archaeology

No comment.

Cultural Heritage

No comment.



Hamilton

Zoning By-law City of Hamilton 05- 200

The subject site is zoned Low Density Residential – Small Lot (“R1a”) Zone and permits a single detached dwelling.

Variances 1-5

1. A minimum 0.4 metre side yard setback for an accessory building shall be provided instead of the minimum required 1.2 metre side yard setback for an accessory building.
2. A minimum 40% landscaped area in the front yard shall be provided instead of the minimum required 50% landscaped area in the front yard.
3. A deck, porch, and steps, shall be permitted within the front yard instead of the requirement that where a driveway is provided in the front yard, all other portions of the front yard shall be landscaped area.
4. A minimum aisle width of 4.0 metre for 90 degree parking shall be provided instead of the minimum required aisle width of 6.0 metre for 90 degree parking is required.
5. A minimum of 1 parking space for a Single Detached Dwelling shall be provided instead of the minimum required 2 parking spaces for a Single Detached Dwelling.

Staff note that all the variances being requested are existing conditions that are due to an inadvertent merger. Staff note no changes are being proposed on site. Staff are of the opinion the four tests are being met. Based on the foregoing, staff **support the variances**.

Zoning:

Recommendation:	Comments Only
Comments:	<ol style="list-style-type: none"> 1. The variances are necessary to facilitate consent application HM/B-23:95. 2. An Encroachment Agreement is required to be registered on title as it pertains to the Access and Maintenance Easement indicated on the Survey. 3. The City of Hamilton is continuing to develop Hamilton Zoning By-law 05-200 which encompasses the former City of Hamilton and the five (5) outlining municipalities. Please be advised that the next phase is the Residential Zones Project which will include Low Density Residential Zones. The subject property may be impacted by upcoming changes

STAFF COMMENTS**HEARING DATE: February 13, 2024**

Hamilton

	scheduled to be heard at the Planning Committee meeting of February 23, 2024.
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Development Engineering:

Recommendation:	Approve
Proposed Conditions:	N/A
Comments:	The proposed side yard setback 0.40m does not meet the minimum requirement of 1.2m side yard setback as identified in the City's Lot Grading Policy. This is required for drainage purposes as well as maintenance and access on the garage side. Since there is no new proposed development so there will be no impact to current grading and drainage the city will accept this minor variance.

Transportation Planning:

Recommendation:	No comments
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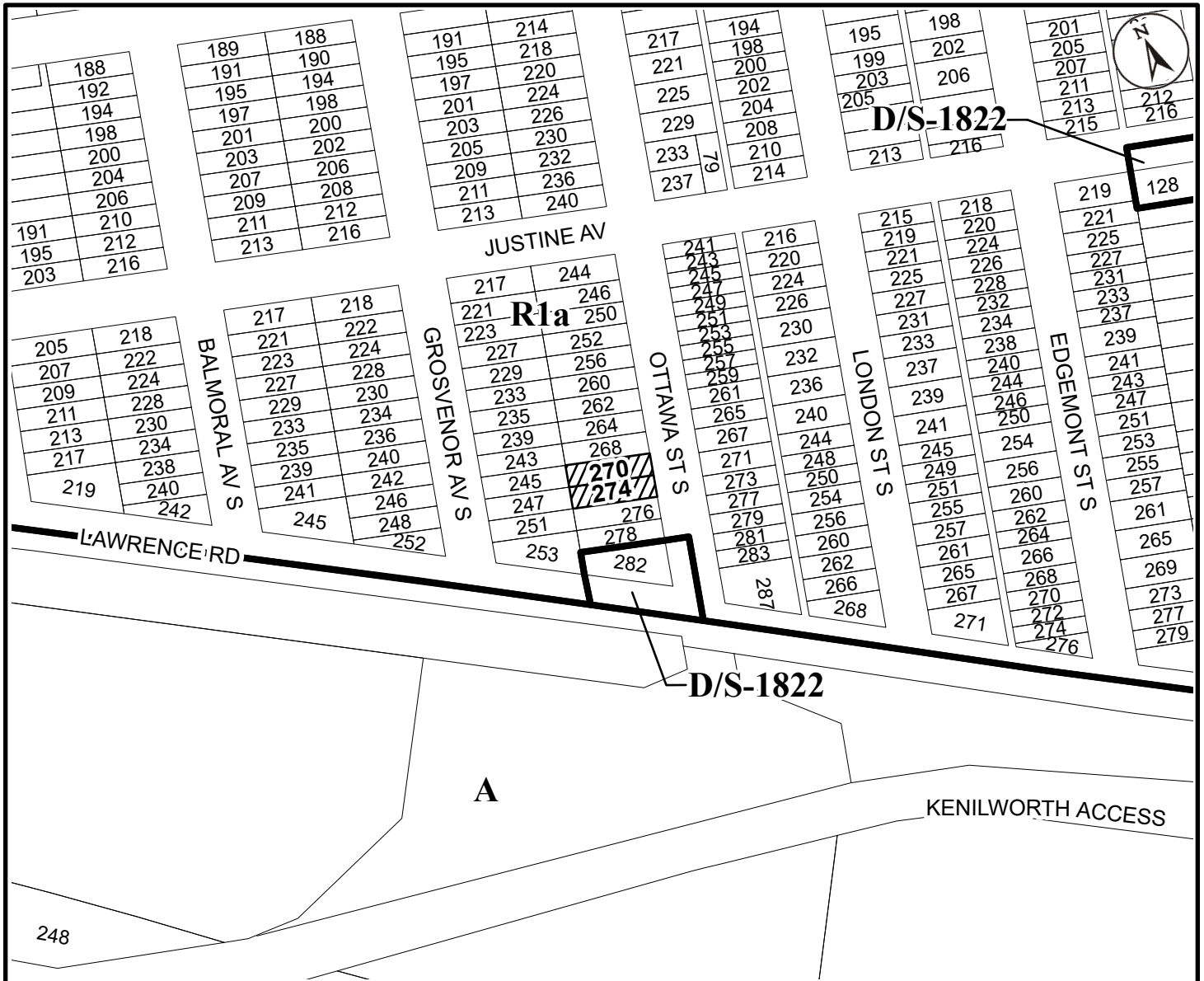
Building Engineering:

Recommendation:	Comments Only
Notes:	Be advised that Ontario Building Code regulations may require specific setback and construction types.

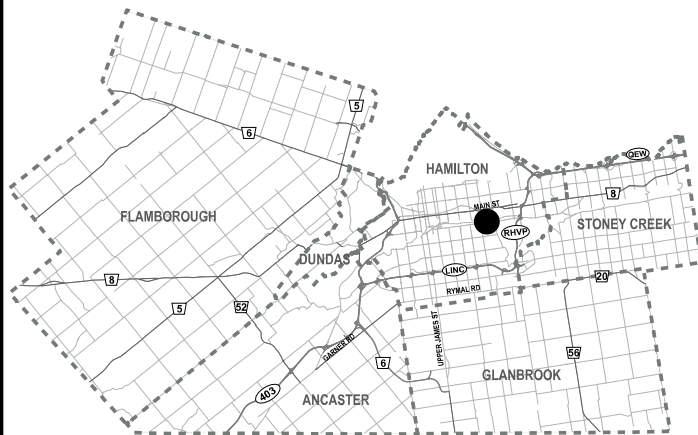
Legislative Approvals:

Recommendation:	No comments.
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Please Note: Public comment will be posted separately, if applicable.



● Site Location



City of Hamilton

Committee of Adjustment

Subject Property



270 & 274 Ottawa Street South,
Hamilton (Ward 3)

File Name/Number:
HM/A-23:341

Date:
January 29, 2024

Technician:
AL

Map Not To Scale

Appendix "A"



Hamilton



Hamilton

HM/A-23:345 – 115 Terrace Drive, Hamilton

Recommendation:

Development Planning - Approve

Proposed Conditions:

1. The Applicant is required to establish an encroachment agreement with the City of Hamilton for the parking spaces located within the municipal right-of-way (To the satisfaction of the Manager of Transportation Planning).

Proposed Notes:

N/A



Hamilton

Development Planning:

Background

To facilitate the construction of a vestibule addition to the existing place of worship and the establishment of an accessory parking lot and existing condition thereof to be maintained.

Analysis

Urban Hamilton Official Plan

The subject lands are designated as “Neighbourhoods” in Schedule E-1 - Urban Land Use Designations under the Urban Hamilton Official Plan and are identified as “Neighbourhoods” in Schedule E – Urban Structure of the Urban Hamilton Official Plan. Policies E.3.2.3, amongst others, are applicable. A place of worship is a permitted use.

Archeology

No comment.

Cultural Heritage

No comment.

Natural Heritage

The subject property is located within the boundaries of the Urban Hamilton Official Plan (UHOP). Based on Schedule B (Natural Heritage System) of the UHOP, Core Areas (i.e., Environmentally Significant Areas, Areas of Natural and Scientific Interest, Significant Woodlands, wetlands, and watercourses) as well as Linkages (natural areas that ecologically connect Core Areas) have not been identified within or adjacent to the subject property. As a result, it is anticipated that the proposed variances will not result in further negative impacts to the City’s Natural Heritage System.

Based on aerial photograph interpretation, trees have been identified within the subject property. The City recognizes the importance of trees and woodlands to the health and quality of life in the community (i.e., canopy cover, energy conservation, mental health benefits) and encourages the protection and restoration of trees (policy C.2.11.1). It is anticipated that there will not be any further impacts to the trees within the property. If trees located within the municipal right-of-way are to be impacted, it is advised that the City’s Forestry Department be contacted.



Hamilton

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

The subject lands are zoned Neighbourhood Institutional (I1) Zone in City of Hamilton Zoning By-law No. 05-200 and a place of worship is a permitted use.

Variance 1

1. A minimum front yard of 3.0 metres shall be permitted whereas the By-law requires a minimum 6.0 metre front yard.

The intent of this provisions is to ensure there is sufficient separation between private and public spaces and to maintain the character of the streetscape and neighbourhood.

Staff note that the proposed vestibule addition is to meet the current extent of the existing metal canopy. Staff also note that the subject property is a through lot, and the vestibule extensions as well as the structure front on to Clarendon Avenue. The proposed 3.0 metre front yard is in keeping with the character of the surrounding area and the existing streetscape. Therefore, staff are of the opinion the requested variance maintains the intent of the Zoning By-law and is minor in nature.

Variances 2 to 6

2. Parking spaces and aisles giving direct access to abutting parking spaces shall be permitted to be as close as 0.0 metres from a street line whereas the By-law requires a minimum 3.0 metre setback from a street line.
3. No planting strip shall be permitted to be maintained between the street line and the parking spaces or aisles giving direct access to abutting parking spaces whereas the By-law requires a minimum 3.0 metre wide planting strip.
4. The parking lot shall be permitted to maintain no landscaped strip with no visual barrier along the abutting residential zones whereas the By-law requires a minimum 1.5 metre wide landscaped strip with a visual barrier abutting residential zones.
5. Parking spaces within the parking lot shall be permitted to be arranged with direct access from the street which may interfere with normal public use and provide for ingress and egress that is not in a forward motion whereas the By-law requires that parking is arranged so as to not interfere with a normal public use of the street and that a parking lot provide for ingress and egress of vehicles in a forward motion only.
6. An access driveway having a width of 3.4 metres shall be permitted for 60 degree parking and access driveway having a width of 4.0 metres shall be permitted for 90 degree parking whereas the Zoning By-law requires a minimum 5.5 metre width for 60 degree parking and a minimum 6.0 metre width for 90 degree parking.

STAFF COMMENTS**HEARING DATE: February 13, 2024**

Hamilton

The intent of these provisions is to ensure there is adequate separation between parking spaces and public roads by minimizing the potential impacts on abutting residential properties. Additionally, the provisions ensure there is sufficient space for egress and ingress for parking provided on-site.

Staff note that Variances 2 to 6 are to recognize the existing conditions of the subject property. Staff do not anticipate negative impacts on the surrounding neighbourhood or the normal public use of the streets. Therefore, staff are of the opinion that the variances are minor in nature.

Staff are of the opinion that the variances meet the four tests of a minor variance. Based on the foregoing, **staff support the variances.**

Zoning:

Recommendation:	Comments Only
Proposed Conditions:	
Comments:	<ol style="list-style-type: none"> 1. This property is listed in the City of Hamilton's Inventory of Buildings of Architectural and/or Historical Interest as a property of cultural heritage value or interest. Please contact a Cultural Heritage Planner CulturalHeritagePlanning@hamilton.ca for further information. 2. The lands are subject to Site Plan Control. 3. It is noticed that several parking spaces are shown to be located on the road allowances. Please be advised that upon approval of the above noted variances, only the parking spaces located on site shall be recognized for zoning compliance purposes. An Encroachment Agreement with the Public Works Department may be required for parking spaces shown to encroach on the Road Allowance. 4. The proposed increase in gross floor area requires a minimum of eight (8) parking spaces; therefore, compliance is achieved based a total of thirty (30) parking spaces located on site. 5. Please note that insufficient details were provided from which to confirm compliance respecting the parking space sizes and all access driveways for the overall site. It is noted that some parking spaces may be smaller than the minimum required size under the Hamilton Zoning By-law 05-200; therefore, further variances may be required.

Development Engineering:

Recommendation:	No comments
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STAFF COMMENTS**HEARING DATE: February 13, 2024**

Hamilton

Transportation Planning:

Recommendation:	Approve with Conditions
Proposed Conditions:	The Applicant is required to establish an encroachment agreement with the City of Hamilton for the parking spaces located within the municipal right-of-way (To the satisfaction of the Manager of Transportation Planning).

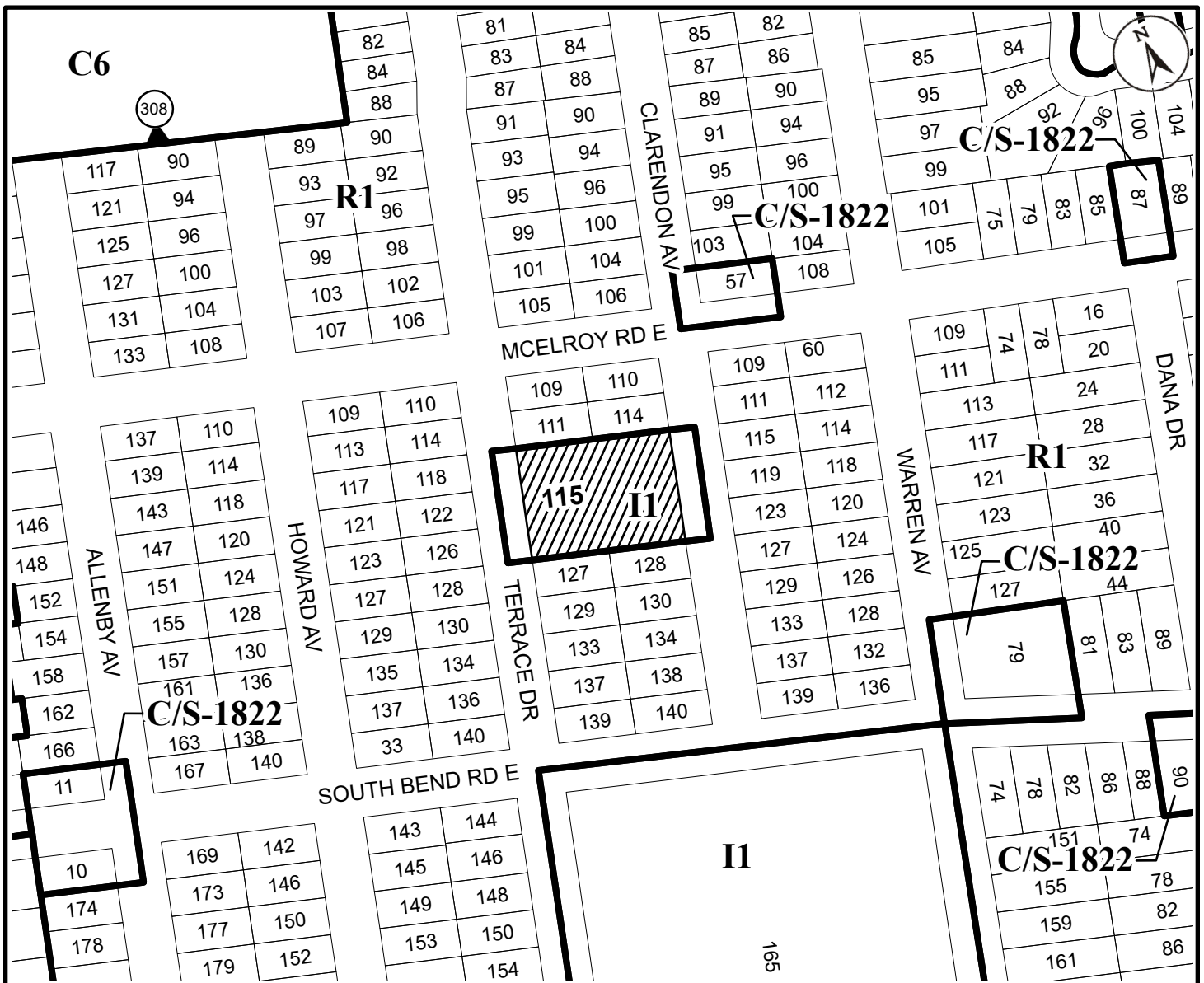
Building Engineering:

Recommendation:	Comments Only
Notes:	<p>A building permit is required for the renovation of the proposed vestibule addition.</p> <p>Be advised that Ontario Building Code regulations may require specific setback and construction types.</p>

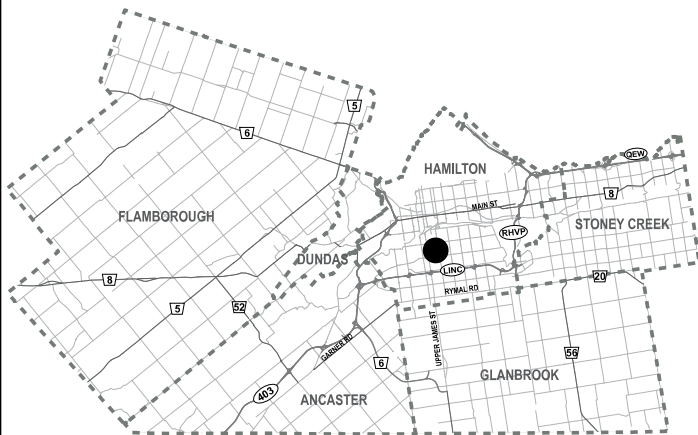
Legislative Approvals:

Recommendation:	No comments.
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Please Note: Public comment will be posted separately, if applicable.



● Site Location



City of Hamilton

Committee of Adjustment

Subject Property



115 Terrace Drive, Hamilton (Ward 8)

File Name/Number:

HM/A-23:345

Date:

January 29, 2024

Technician:

AL

Map Not To Scale

Appendix "A"



Hamilton

Feb 6, 2024

Attn: Committee of Adjustment, City Hall, Hamilton

Re: Minor Variance Application no. **HM/A-23:345**

Impacting **115 Terrace Drive** and **120 Clarendon Ave** in Hamilton.

We, owners and residents of properties on Clarendon Avenue welcome the Shree Swaminarayan Gurukul to the street and are happy to see their property functioning as an active place of community and worship. We look forward to working with them as a community partner.

However, today we are faced with proposed property variances to support construction of an extended building foundation for increased underground space and above ground vestibule structure under or replacing the existing “floating roof”, that once built, will dominate and alter the neighborhood character (as seen in the proposed site plan submitted in December 2023). We are concerned about this change and the precedent it sets for future changes. We believe our residential neighborhood is best served by the existing zoning rules that city planners currently have in place.

The proposed variances will impact both front yard (Clarendon Av) and back yard (Terrace Dr) exposures and will impact the streetscape of Clarendon Avenue and will set precedent implications for other changes to properties in our area.

The front wall of existing building (excluding the “floating roof”) is approximately 6.0m wide, with angled sides of about 4.25m, giving the impression of a front wall facade of about 8.0m wide when viewed at most angles from the street. The “floating roof” is at the height of the roof tops of the surrounding 1 storey homes, and is only moderately intrusive to the streetscape as it sits roughly 5.0 to 6.0m above the sidewalk, and provides for an unobstructed view under the roof. Lastly, the front walls are comprised of stone & glass which also fits with the character of the area.

Most residences on Clarendon have a front bricked walls approximately 7.5m wide and the existing church structure fits reasonably well in our residential neighborhood.

The city’s “Inventory of Significant Places of Worship” notes architectural features of the building include the “Stained Glass Windows” and the “Floating Roof”. The city’s “Significant Places Map” notes the unique expression of Modern/Contemporary architectural style, and further notes that **“The property is important in supporting the character of the area. The property is visually linked to it’s surroundings.”**

The proposed underground and vestibule will be about 18m of front wall, 6.0m depth, at a height roughly 5.0 to 6.0m above the sidewalk if built under the existing “floating roof”. With the vestibule front wall built 3.0 m closer to the street and together with the front staircases, these elements will create a bold presence on the street for the Gurukul which will have a significant impact on the Clarendon Ave streetscape and reshape the current suburban residential look and visual linkage with the surrounding properties.

As mentioned earlier, we are also concerned that if the variances are approved, they will be available for other future changes on the affected property. It will also provide precedent for future changes considered by **any other owner** in the area thus further jeopardizing our neighborhood’s character.

With respect to the specific variance requests, we submit the following comments:

Item #1: Re Front Yard:

Please maintain the current 6.0m front yard standard, in order to:

- Maintain the current visual design elements that fit with the neighborhood.
- Preserve the architectural “floating roof” feature by known architect Basil Hall.
- Prevent building a large structure close to the street in a residential area.
- Prevent potential parking area in front of the building.
- Preserve the current streetscape and character of the neighborhood.
- Maintain greenspace for rain water/snow absorption and assisting the street’s combined-sewer’s capacity.
- Provide necessary space for accumulation and storage of excess snow.
- Prevent others from building or extending structures into what is now their front yard.

Item #2: Re Parking spaces:

Please maintain the standard 3.0m setback on the Clarendon Avenue frontage, in order to:

- Prevent potential new parking in the front yard.

Item #3: Planting Strip:

Please maintain the standard 3.0m wide planting strip, in order to:

- Maintain a front yard that visually links with area residential properties
- Provide space for snow removed from the sidewalk and entrance pathways, etc.
- Maintain the presence of a city owned tree.

Item #4: Landscaped strip along abutting residences.

Abutting Clarendon Ave properties currently have no landscaped strip or visual barrier at present. One Terrace Drive property does have a landscaped strip with visual barrier.

- We ask that the existing current concrete elements at the abutting property lines be retained.

Item #5: Direct access street parking

Both Terrace Drive and Clarendon Ave have speed humps to slow traffic. The nearby school is a mountain hub for French Immersion learning. Clarendon Ave is very busy with pedestrian and vehicular traffic as many parents park for school drop off and pickup. Direct Access parking will create an increased hazard risk given the proximity of the school and the existing traffic conditions. Furthermore, Clarendon Avenue is a city designated cycling route.

- Direct access parking will reduce available on-street parking at school pick-up times.
- Direct access parking will reduce current on-street parking availability for public use.
- Direct access parking will increase the safety risk to both pedestrians walking on sidewalks and to cyclists riding on the designated cycling route.
- Direct access parking will set precedent for others wishing to pave their front lawns.

Item #6: Access driveway and parking space widths.

The residents of Clarendon have no concern with this item.

We thank the city for this opportunity to voice our concerns.

We also wish continued success for Shree Swaminarayan Gurukul as they settle into their new dwelling.

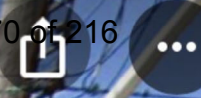
CLARENDON AVE PROPERTY OWNERS IN SUPPORT OF THE ATTACHED LETTER

NUMBER	OWNER?	NAME (printed)	INITIALS	DATE
109	Yes	Amy Holt		Feb 7/24
110	Amit	Renu Sharma		Feb 7/2024
111				
114	Yes	Patricia Falconer		Feb 8 2024
115	Yes	Maria Vega		Feb 7 th
119	Yes	LARRY TORRE		Feb 7 2024
123	YES	PAOLA ROSA		FEB - 2024
127	YES	KEVIN SMITH		Feb 7, 2024
128				
129	Yes	Jay Jamie Waters		" "
130	YES	ADRIAN VERSTEEG		FEB 7, 2024
133	Yes	Jonathan C.		Feb 7, 2024
134				
137	Yes	Cobette Kendall		Feb 7 2024
138	✓	DAVID LUCAS		
139	Yes	Kevin Padgett		Feb 7, 2024
140				
129	YES	Michelle Ives		Feb 7 2024
114		Cathy Blunt		Feb -08-2024
TERRACE DRIVE RESIDENCES				



Clarendon Ave





From: [Adrian Versteeg](#)
To: [Committee of adjustment](#)
Subject: HM/A-23:345 Comment from 130 Clarendon
Date: Thursday, February 8, 2024 10:12:06 PM

Good day to members of the Committee of Adjustment,

My name is Adrian Versteeg, owner of the house and property 130 Clarendon Ave.

I would like to welcome the Temple owners and users to the neighborhood.

I thank the committee for allowing the neighbors on the street to post their concerns about the variances that are being proposed to 115 Terrace Drive. We live on a quiet street that is made up of 1 to 2 story houses that currently flow well with the visual aspects of the street. We also live adjacent to the Norwood Park French Immersion school. There are certain aspects of living on this street that we as the neighbors quite enjoy and would like to maintain. I have some great concerns that would like to be considered as the committee considers the changes.

1) I am worried about the removal of snow if the front grass is removed for pavement and building areas.

- My concern is that it will be placed on the street that gets really congested with family vehicles as they park and walk multiple small children to the elementary school. If snow is pushed on the road, it will severely impact the flow of traffic as well be a safety concern to the public as they navigate the problem.
- The other aspect is that if it gets placed on the road then shoved on the residences front yards, which will be unfair to us as residences with that. Currently with green space up front, that is where the snow load generally goes and melts back into the earth.
- We have a bike route down our street, it gets used that way all year round. Without the ability to hold their own snow removed from the parking lot, it will make it more dangerous for those who enjoy biking, and use the street on a regular basis.

2) The closed area for closets will have a detrimental aspect of how the street is presented to those who live here as well as those to travel through here. Currently, the place of worship flows with the architectural feel of the street. Having tall walls of concrete really will put a negative imprint and degrade the street representation.

3) By reducing the size limits of the parking widths for vehicles, it will be more hazardous to the neighborhood.

- First, more volume always causes a higher percentage of accidents. Now with reducing the parking widths, that can only add to the frustrations of trying to get into a parking spot as well as leaving.
- Now placing that situation closer to public sidewalks, guarantees issues with those using the streets, Lord forbid, those situations all come together with a family walking to drop/pick up their children from school, much less the residents who use the sidewalk in their normal lives.
- We have gotten used to the increase of bike traffic and welcome them because it

means that people are enjoying the outdoors and trying to live more healthy. Increase of traffic will be a great concern to those who use the city bike routes on a regular basis.

I greatly thank you for the platform to express the concerns that I feel are changing the safety of our street.

By the way, thank you for installing the speed humps on the street to reduce those who speed down the street, that was a great move!

Thank you for your time and work!

Adrian and Michelle Versteeg and Family

From: [Michelle ives](#)
To: [Committee of adjustment](#)
Subject: Application HM/A-23:345 objection to minor variance requested
Date: Thursday, February 8, 2024 3:47:14 PM

We are writing this as a parents and residents of Clarendon Ave to express our views regarding the minor variances requested at (115 Terrace Dr, Hamilton). Application number HM/A-23:345.

Here are a few reasons we object this minor variance.

1. By removing front yard space and replacing it with parking spaces sets a precedent for others to follow suit.
2. Residents of Clarendon Ave now have to look at a larger parking lot, a larger view obstructing lobby and porch area off the front instead of flowers, greenery, and trees. It's visually incongruous, detrimental to the streetscape and completely destabilizes the character of the residential neighborhood.
3. Potential for property values to be negatively impacted by this change.
4. Allowing this change would absolutely interfere with normal public use. Norwood Public School is very close by. The day-to-day street parking during the school year is extremely busy. Losing any additional spaces on the street or having the public space affected in the area is a problem, especially come winter time.
5. The amount of small children and seniors in the area is significant. Bi laws should be maintained for safety reasons. Having parking spaces 0.0m from a street line instead of 3.0m could create safety issues for those using that public space.
6. Parking should always be arranged as to not interfere with public use of the street and that a parking lot provide for ingress and egress of vehicles in a forward motion only.

Approving these minor variances and making the requested changes goes directly against the bi laws in place.

These bi laws are in place for many reasons but ensuring the safety of the community should always top priority.

Thank you,
The Waters

Get [Outlook for Android](#)



Hamilton

FL/A-23:336 – 1524 Kirkwall Road, Flamborough

Recommendation:

Development Planning - Table

Proposed Conditions:

N/A

Proposed 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 archeological resources are encountered, the proponent may be required to conduct an archaeological assessment prior to further impact in order to address these concerns and mitigate, through preservation or resource removal and documentation, adverse impacts to any significant archaeological resources found. Mitigation, by an Ontario-licensed archaeologist, may include the monitoring of any mechanical excavation arising from this project. If archaeological resources are identified on-site, further Stage 3 Site-specific Assessment and Stage 4 Mitigation of Development Impacts may be required as determined by the Ontario Ministry of Citizenship and Multiculturalism (MCM). All archaeological reports shall be submitted to the City of Hamilton for approval concurrent with their submission to the MCM.

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



Hamilton

Development Planning:

Background

A related application for a Draft Plan of Subdivision (File #: 25T-202401) to facilitate was received by Staff on January 26, 2024. The application process for the Draft Plan of Subdivision is ongoing and comments have not yet been received from commenting departments and external agencies.

Analysis

Greenbelt Plan

The subject lands are identified as part of a “Hamlet” under the Greenbelt Plan. Per Section 3.4 of the Greenbelt Plan, lands within a “Hamlet” permits residential development.

Rural Hamilton Official Plan

The subject lands are designated as part of the “Kirkwall Rural Settlement Area” in Schedule D - Rural Land Use Designation under the Rural Hamilton Official Plan. Policies found in D.5.1.1, amongst others, are applicable.

Kirkwall Rural Settlement Area

The subject lands are designated “Settlement Residential” in Map 9 of the Kirkwall Rural Settlement Area Plan. Per Volume 2, Chapter A – Policy 1.3.1, single detached dwellings are permitted within Rural Settlement Areas.

Archeology

The subject property meets four of the ten criteria used by the City of Hamilton and Ministry of Citizenship and Multiculturalism 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;
- 3) In areas of pioneer Euro-Canadian 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



Hamilton

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

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

Should deeply buried archaeological materials be found on the property during any of the above development activities the MCM should be notified immediately (416-212-8886). In the event that human remains are encountered during construction, the proponent should immediately contact both MCM 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 located within the Kirkwall Cultural Heritage Landscape. 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 section of the Rural Hamilton Official Plan, Volume 1, applies:

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 subject property is located *adjacent* to the following properties included in the City’s Inventory of Buildings of Architectural and/or Historical Interest:

- The subject property is adjacent to 1500 Kirkwall Road, Flamborough, a Neo-Classical Ontario Cottage style stone farmhouse built ca. 1860;
- 1817 8th Concession Road West, Flamborough (brick and stone, ca. 1902);
- 1867 8th Concession Road West, Flamborough (frame, ca. 1850-1870);



Hamilton

- 1896 8th Concession Road West, Flamborough (stone, ca. 1868-1900); and,
- 1528 Kirkwall Road, Flamborough (stone, ca. 1868-1900).

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.

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

The applicant proposes to create fourteen (14) residential lots.

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.

Notwithstanding that the subject property is found within the Kirkwall Cultural Heritage Landscape and is located adjacent to Inventoried properties, staff have reviewed the application and are of the opinion that the heritage value of the Inventoried properties will be conserved, though there may be impacts to the Kirkwall Cultural Heritage Landscape. Staff encourage the proponent to work with Cultural Heritage staff in order to create a design that is respectful and complementary to the character of the area and the context of the Kirkwall community.

Staff have no further comments on this application as circulated.

Hamilton Zoning By-law No. 05-200

The subject lands are zoned Settlement Residential (S1, Exception 53) Zone under Hamilton Zoning By-law No. 05-200. Single detached dwellings are a permitted use.

STAFF COMMENTS**HEARING DATE: February 13, 2024**

Hamilton

Variances 1 and 2

1. A minimum lot width of 27.6 metres shall be permitted whereas the By-law requires a minimum lot width of 30.0 metres.
2. A minimum side yard setback of 2.9 metres shall be permitted whereas the By-law requires a minimum side yard setback of 3.0 metres.

Staff note that the associated Draft Plan of Subdivision application (25T-202401), including the submitted technical studies, is currently under reviewed by staff and external agencies and comments have not been received by Development Planning staff. Therefore, staff are of the opinion that more information is required to evaluate the merits of the Minor Variance Application as the proposed lot area and configuration of the subdivision may change as a result of the technical review. Based on the foregoing, **staff recommend tabling the application.**

Zoning:

Recommendation:	Comments Only
Comments:	<ol style="list-style-type: none"> 1. The Notice shall be amended to remove variance No. two (2). Additional information has been provided by the applicant to determine zoning conformity with the side yard setback. 2. Insufficient information was provided to determine proposed maximum building height. Please be advised additional information is proposed to be provided through future applications. Additional variances may be required if compliance with Section 12.3.3 (f) of the Hamilton Zoning By-law 05-200 cannot be achieved. 3. Insufficient information was provided to determine building/structure encroachments, mechanical equipment and Landscape requirements. Please be advised additional information is proposed to be provided through future applications. Additional variances may be required if compliance with Section 4.6, 4.9 and 4.35 of the Hamilton Zoning By-law 05-200 cannot be changed. 4. Insufficient information was provided to determine compliance with the parking regulations of Section 5 in the Hamilton Zoning By-law 05-200. Please be advised additional information is proposed to be provided through future applications. Additional variances may be required if compliance with Section 5 cannot be achieved.

STAFF COMMENTS**HEARING DATE: February 13, 2024**

Hamilton

	5. Please be advised a portion of the property is under conservation management. Please contact the Grand River Conservation Authority prior to any development.
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Development Engineering:

Recommendation:	Approve
Proposed Conditions:	N/A
Comments:	Provided the existing drainage pattern is maintained, Development Engineering has no objection to the proposed minor variances.

Transportation Planning:

Recommendation:	Approve
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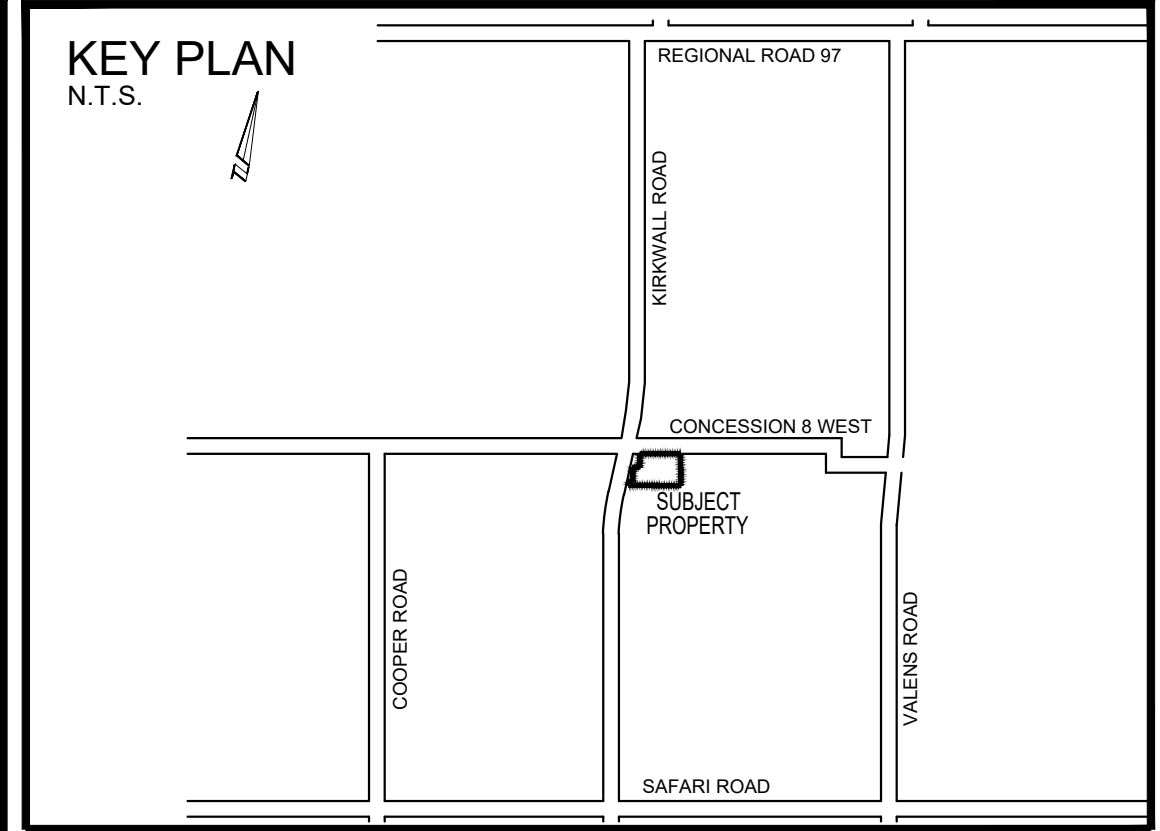
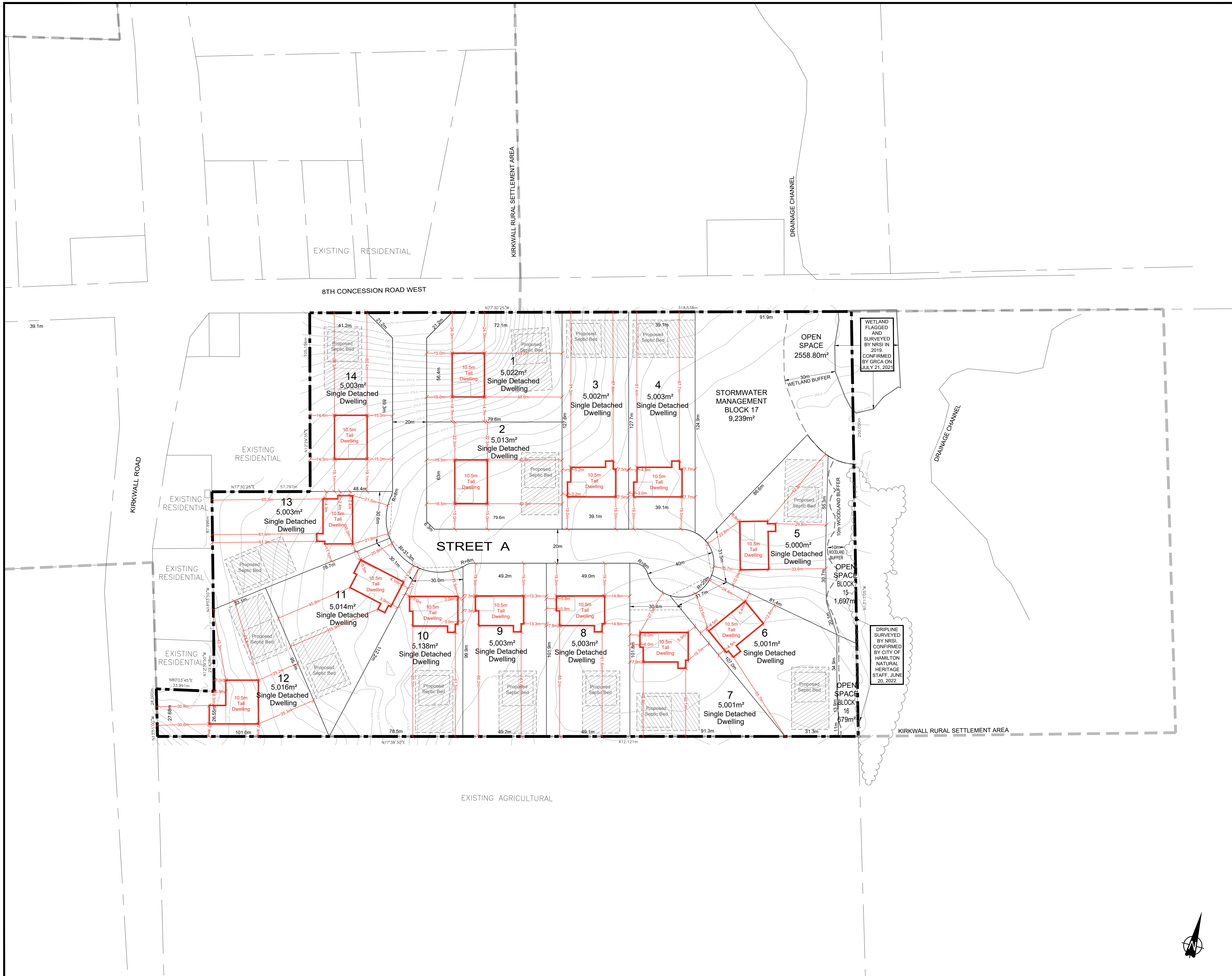
Building Engineering:

Recommendation:	Comments Only
Notes:	<p>Be advised that Ontario Building Code regulations may require specific setback and construction types</p> <p>A building permit is required for the construction of the proposed single detached dwellings.</p> <p>A building permit is required for the construction of the proposed septic systems.</p>

Legislative Approvals:

Recommendation:	No comments.
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Please Note: Public comment will be posted separately, if applicable.



DRAFT PLAN OF SUBDIVISION

PART OF LOT 19, CONCESSION 7,
(GEOGRAPHIC TOWNSHIP OF BEVERLY)
(FORMERLY TOWN OF FLAMBOROUGH)
CITY OF HAMILTON

1524 KIRKWALL ROAD

LAND USE SCHEDULE			
DESCRIPTION	LOTS/BLKS.	UNITS	AREA (ha.)
SINGLE DETACHED	1-14	14	7.023
OPEN SPACE	15,16		0.237
STORMWATER MANAGEMENT ROADS	17		0.924
TOTAL	17	14	8.910

Notes:
1. Drawing Source: Astrid J Clos Planning Consultants (September 2022)

ADDITIONAL INFORMATION
(UNDER SECTION 51(17) OF THE PLANNING ACT)
INFORMATION REQUIRED BY CLAUSES a,b,c,d,e,f,g,j and l ARE AS SHOWN ON THE DRAFT PLAN.
h) Private Well
i) Silty Gravelly Sand with Trace Clay to Sandy Silt
k) Private Septic

OWNER'S CERTIFICATE
I AUTHORIZE THE GSP GROUP INC. TO PREPARE AND SUBMIT THIS DRAFT PLAN OF SUBDIVISION TO

Carson Reid November 3, 2023
CARSON REID HOMES (CAMBRIDGE) LTD. DATE

SURVEYOR'S CERTIFICATE
I CERTIFY THAT THE BOUNDARIES OF THE LAND TO BE SUBDIVIDED AND THEIR RELATIONSHIP TO THE ADJACENT LANDS ARE CORRECTLY SHOWN.

James M. Laws NOVEMBER 2, 2023
JAMES M. LAWS, O.L.S. DATE
VAN HARTEN SURVEYING INC.

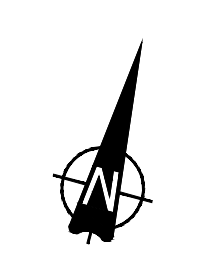
PLANNING | URBAN DESIGN | LANDSCAPE ARCHITECTURE

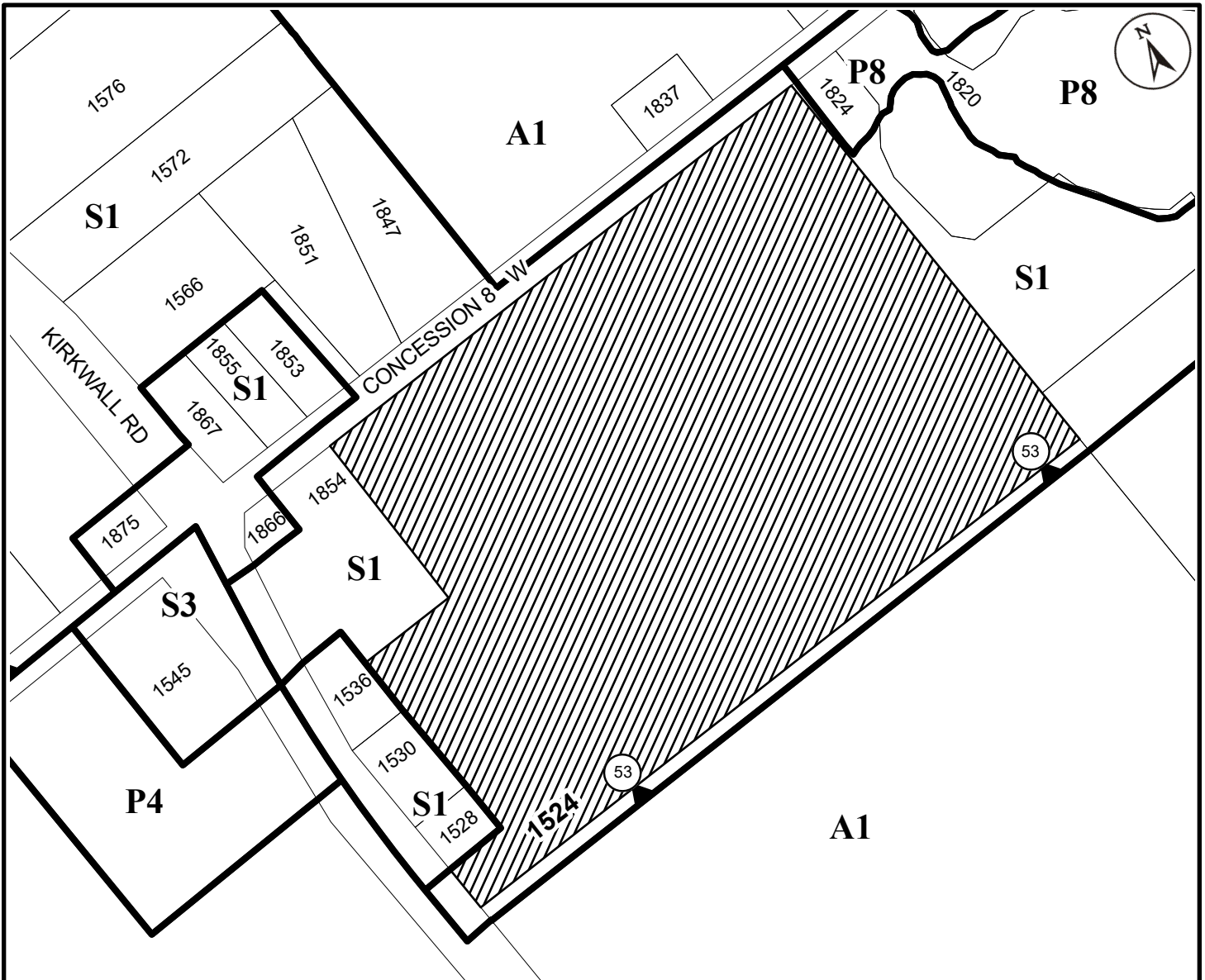
gspgroup.ca

Date: April 14, 2023
Scale: 1:1000 metric

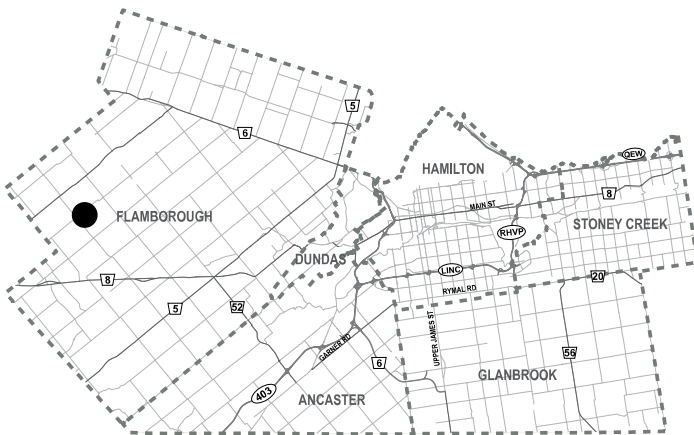
REVISIONS
GSP REVISED - April 14, 2023 (MN)
GSP REVISED - Nov 10, 2023 (MN)

Dwg. File Name: dp23036c - Zoning Check.dwg
Project No.: 23036





● Site Location



City of Hamilton

Committee of Adjustment

Subject Property



1524 Kirkwall Road, Flamborough
(Ward 13)

File Name/Number:

FL/A-23:336

Date:

January 29, 2024

Technician:

AL

Map Not To Scale

Appendix "A"



Hamilton

From: [Steve Bratina](#)
To: [Committee of adjustment](#)
Subject: Subject Property FL/A-23:36 1524 Kirkwall Road
Date: Monday, January 29, 2024 8:40:53 PM

Hello,

With regards to the GSP Group subdivision at 1524 Kirkwall road, I would like to know,

1. One driveway comes off Kirkwall road but 13 will be exiting via road onto the 8th Concession. The roadway on the 8th will be lowered to ease access into this subdivision. Will my tax money be used to pay for this change? If so, why? Since the road is OK as is but this change is caused by the subdivision would they be paying for this change?
2. If they change their plan, the road can enter at a safe location further down the street with no change required to the existing roadway. Where it comes out on their plan now, I think it would be unsafe for my neighbour as his driveway is directly across from this access road. It would make for a quite busy intersection.
3. With the wet lands so close to this subdivision, I would think that 14 septic systems would create contamination of this area. With multiple families of various sizes (possibly 56 people) living there, the amount of effluent that the land needs to absorb would be more than safely possible. With not just human waste but other “chemicals” that may enter the system, could eventually affect not only this wet land but possibly the wells of those living here now.
4. Would the salt used during winter also not be an issue for this wet land area? Also weed killer, oil drippings from the 14 plus cars parked on driveways and water being drained from chlorinated pools that would possibly be installed and the water from 14 washing machines. It is OK to capture all this water but it also must be treated before release I would think. Also, if a large settling pond was used, mosquitoes now have another major breeding ground. The difference is City drainage goes to a waste facility to be properly treated or run off is monitored where as country septic systems rely on due diligence from the owners to prevent a major contamination of the surrounding home owners. The high concentration of dwellings is concerning.
5. With all the money being spent on Hamilton public transit, should new subdivisions not be planned for areas where there is a possibility of the system eventually reaching these areas to reduce car usage? There is no way this area would ever see public transportation of any kind since it is not financially sustainable due to the distance from city centres and the local terrain.

With all the talk lately of environmental issues and the increased proactive steps taken to save the environment, I am a little surprised by this announcement. I am not against building homes but the days of building new septic systems en masse to provide for a subdivision and creating car reliant subdivisions is narrow minded in my opinion.

Looking forward to hearing from you
Steve Bratina.

Sent from my iPad

From: [John Wilkinson](#)
To: [Committee of adjustment](#)
Subject: Proposed development of 1524 Kirkwall Road
Date: Tuesday, February 6, 2024 2:37:59 PM

To the Committee of Adjustment, City of Hamilton

I am the owner/occupier of 1528 Kirkwall Rd., and therefore, I am responding to your request for input into the intentions of building a 14 house subdivision adjacent to my property at 1528 Kirkwall Road.

For a long time, I had been searching for a suitable place to live and work as a visual artist and educator when I found my home 23 years ago I found the property I was looking for. The house was built in the 1860's for the first schoolmaster in Kirkwall who had come from Kirkwall in the Orkney Isles. Incidentally I had lived in Kirkwall in the Orkney Isles as a child.

A previous owner had built the additions to the house which had included a recording studio that I now use as a painting studio.

After well over 50 years of teaching, the visual arts at DVSA, York, Guelph, McMaster and the U of T School of Architecture. I chose to buy this house in Kirkwall for the use of its studio, the surrounding views to the South, East and West and for my peaceful inspiration and contemplation of the surrounding landscape.

Back in 2017 I attended a Hamilton Council meeting to state my opposition to a planned development by Dykeman Stables to build houses adjacent to my home. I stated my concerns and they were heard, understood and acknowledged.

Not knowing the land have been sold to a developer I noticed the removal of many trees which border the fields to the South and the drilling of water wells of which I and others have experienced supply disruptions over the years.

Not until June 19, 2023 did I receive an invitation to attend an online meeting with GSP Group. Surely I should have been informed earlier of these plans.

I learned at that online meeting the extent of the proposal. This would result in my home, being surrounded by houses, not only at the rear of my property, but also to the South with what appears to be a roadway, which will take out several magnificent trees.

I chose to live in the countryside, but not adjacent to a 14-house subdivision. Should the development go ahead I will have to endure months, perhaps years of construction noise, followed by the coming and goings of a housing estate. The purpose of my living here will be taken away. This will surely have a derogatory effect upon the value of my property in every way possible, in addition causing me a great deal mental stress and anxiety.

I therefore, object in the strongest way possible to this so called development.

Please acknowledge receipt of this email.

I also hope to attend the Council meeting on February 13th.

Yours sincerely

John Wilkinson
1528 Kirkwall Rd, Cambridge, ON N1R 5S2



Hamilton

DN/A-23:348 – 98 Sydenham Street, Dundas

Recommendation:

Development Planning - Approve

Proposed Conditions:

N/A

Proposed 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 archeological resources are encountered, the proponent may be required to conduct an archaeological assessment prior to further impact in order to address these concerns and mitigate, through preservation or resource removal and documentation, adverse impacts to any significant archaeological resources found. Mitigation, by an Ontario-licensed archaeologist, may include the monitoring of any mechanical excavation arising from this project. If archaeological resources are identified on-site, further Stage 3 Site-specific Assessment and Stage 4 Mitigation of Development Impacts may be required as determined by the Ontario Ministry of Citizenship and Multiculturalism (MCM). All archaeological reports shall be submitted to the City of Hamilton for approval concurrent with their submission to the MCM.

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



Hamilton

Development Planning:

Background

To facilitate the severance of an existing property containing an existing single detached dwelling into three (3) parcels.

This Minor Variance Application is to satisfy Condition #5 of previously approved Consent Application (DN/B-23:44). DN/B-23:44 became final and binding on August 23, 2023. Staff note that an Applicable Law Review was completed by Zoning staff on December 5, 2023 identifying the non-conforming setbacks of the existing accessory structures on the subject property.

Analysis

Greenbelt Plan

The subject lands are identified as “Protected Countryside” under the Greenbelt Plan. Per Section 2.2 of the Greenbelt Plan, lands within the Niagara Escarpment Plan Area are subject to the requirements of the Niagara Escarpment Plan and the Protected Countryside policies do not apply.

Niagara Escarpment Plan

The subject lands are designated “Urban Area” under the Niagara Escarpment Plan. A single detached dwelling and its accessory uses are permitted within the “Urban Area” designation.

Urban Hamilton Official Plan

The subject lands are designated as “Neighbourhoods” in Schedule E-1 - Urban Land Use Designations under the Urban Hamilton Official Plan and are identified as “Neighbourhoods” in Schedule E – Urban Structure of the Urban Hamilton Official Plan. Policies found in E.3.4.3, amongst others, are applicable. The existing single detached dwelling and accessory uses are permitted.

Sydenham Neighbourhood Plan

The subject property is identified as “Single and Double” and “Open Space” under the Sydenham Neighbourhood Plan. The objectives of the Neighbourhood Plan are to conserve cultural heritage resources of the area and the existing neighbourhood character and scale, to minimize conflict between residential and industrial or commercial uses as well as to conserve and improve natural features and open spaces. The existing residential use and requested variances are in keeping with the intent of the plan.



Hamilton

Archeology

Archaeology:

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

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

Should deeply buried archaeological materials be found on the property during any of the above development activities the MCM should be notified immediately (416-212-8886). In the event that human remains are encountered during construction, the proponent should immediately contact both MCM 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 comprises a 2 and a half storey dwelling constructed circa 1904 and is listed on the Municipal Heritage Register as a non-designated property. The property is also located in the Sydenham Established Historical Neighbourhood.



Hamilton

Where new construction and/or alterations or additions to existing structures are proposed in an Established Historical 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.

Accordingly, sections B.3.4.1.4 and B.3.4.3.6 of the Urban Hamilton Official Plan, Volume 1, apply.

The applicant is requesting a number of variances to facilitate the severance of an existing property containing an existing single detached dwelling into three parcels. Notwithstanding that the property is listed on the City's Municipal Heritage Register, Staff have reviewed the application and are of the opinion that the cultural heritage value or interest of the property will be conserved. Staff have no further comments on the application as circulated.

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

The subject lands are zoned Single Detached Residential (R2) Zone and Open Space Conservation (OS) Zone in Former Town of Dundas Zoning By-law No. 3581-86. The existing single detached dwelling and accessory uses, structures and buildings are permitted.

Variations 1 to 3

1. A minimum setback of 0.30 metres from the rear lot line shall be permitted for accessory structures having a floor area of less than 10 square metres whereas the By-law requires that all accessory structures having a floor area less than 10 square metres shall have a minimum setback from a rear lot line of 1.0 metres.
2. A minimum setback of 0.80 metres from the side lot line shall be permitted for accessory structures on properties where a garage does not form part of a principle building whereas the By-law requires that all accessory structures on properties where a garage does not form part of a principal building shall have a minimum setback from a side lot line of 2.0 metres.
3. A minimum setback of 0.60 metres from the side lot line shall be permitted for accessory structures on properties where a garage does not form part of a principle building whereas the By-law requires that all accessory structures on properties where a garage does not form part of a principal building shall have a minimum setback from a rear lot line of 2.0 metres.

The intent of these provisions is to ensure sufficient space is provided between accessory structures and the property lines for access and maintenance purposes. Staff defer any grading or drainage concerns to Development Engineering.

Regarding Variance 1, staff note that the existing shed has an irregular setback from the rear lot line between 0.38 metres and 0.60 metres. Staff are of the opinion that the southerly 0.6 metre setback provides the minimum amount of space for access and maintenance purposes for the existing frame shed. Staff support the variance.

STAFF COMMENTS**HEARING DATE: February 13, 2024**

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Regarding Variances 2 and 3, staff note that the existing brick garage has a setback from the side lot line of 0.87 metres and a setback from the rear lot line of 0.61 metres. Staff are of the opinion that the reduced setbacks would provide sufficient space for access and maintenance purposes. Staff support the variances.

Staff are of the opinion that variances meet the four tests of a minor variance. Based on the foregoing, **staff support the variances.**

Zoning:

Recommendation:	Comments Only
Comments:	<ol style="list-style-type: none"> 1. Please be advised Consent Application DN/B-23:44 became final and binding August 23rd, 2023, for the associated property. 2. Please be advised a portion of the property falls under the Hamilton Conservation Authority. 3. Please be advised the property is a Registered (Non-Designated) Heritage Property.

Development Engineering:

Recommendation:	Approve
Proposed Conditions:	N/A
Comments:	Provided the existing drainage pattern is maintained, Development Engineering has no objection to the proposed minor variances.

Transportation Planning:

Recommendation:	Approve
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Building Engineering:

Recommendation:	Comments Only
Notes:	Be advised that Ontario Building Code regulations may require specific setback and construction types.

Niagara Escarpment Commission (NEC):

Recommendation	Comments Only
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STAFF COMMENTS**HEARING DATE: February 13, 2024**

Hamilton

<p>Comments:</p>	<p>The subject property, while not located within the Niagara Escarpment Development Control Area, is located within the Niagara Escarpment Plan Area. As such, the policies within Parts 1.7 and 2 of the Niagara Escarpment Plan apply.</p> <p>Part 1.7.4 of the Niagara Escarpment Plan states: Proposed uses and the creation of new lots may be permitted, subject to conformity with Part 2, Development Criteria, the Development Objectives and, where applicable, zoning by-laws that are not in conflict with the Niagara Escarpment Plan.</p> <p>Part 1.7.5.1 states: All development shall be of an urban design compatible with the scenic resources of the Escarpment. Where appropriate, provision for maximum heights, adequate setbacks and screening are required to minimize the visual impact of urban development.</p> <p>Part 1.7.5.9 states: Growth and development in Urban Areas shall be compatible with and provide for:</p> <ol style="list-style-type: none"> a. the protection of natural heritage features and functions; <p>Part 2.2.1 states: The Escarpment environment shall be protected, restored and where possible enhanced for the long term having regard to single, multiple or successive development that have occurred or are likely to occur.</p> <p>Part 2.4.2 states: New lots to meet residential needs should be created primarily in designated Urban Areas, Minor Urban Centres and Escarpment Recreation Areas.</p> <p>Part 2.7.4 states: Development in other natural features not identified as key natural heritage features or key hydrologic features should be avoided. Such features should be incorporated into the planning and design of the proposed use wherever possible, and the impact of the development on the natural feature and its functions shall be minimized.</p> <p>NEC staff note that the Niagara Escarpment Plan directs lot creation to Urban Areas, such as is proposed. Per the policies in 1.7 NEC staff encourage City staff to ensure that development is compatible and utilizes screening measures such as tree planting and adequate setbacks to ensure visual impact is minimized. NEC staff note there appears to be woodland at the rear of the property. Part 2.7.4 would discourage development within the feature. NEC staff also note Part 2.2.1 which states that the “Escarpment environment shall be protected, restored, and where possible enhanced.” Therefore, if tree removal is required to facilitate the</p>
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STAFF COMMENTS

HEARING DATE: February 13, 2024



Hamilton

	proposed development, NEC staff would encourage City staff to ensure that the development envelope be restored (1:1 ratio) or enhanced.
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Legislative Approvals:

Recommendation:	No comments.
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Please Note: Public comment will be posted separately, if applicable.

January 29, 2024

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

Attention: Committee of Adjustment

File# DN/A-23:348

Re: 98 Sydenham St

In response to your correspondence dated January 25, 2024, 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 905-798-2634 or 905-798-3370 or visit our web site @ www.alectrautilities.com. To make a service request, [Make a Service Request | Alectra Utilities](#)
- Relocation, modification, or removal of any existing hydro facilities shall be at the owner's expense. Please contact Alectra Utilities to facilitate this.
- Developers shall be responsible for the cost of civil work associated with duct structures, transformer foundations, and all related distribution equipment.
- Developers to acquire an easement, if required.
- In order for Alectra Utilities to prepare design and procure the materials required to service this site in a timely manner, a minimum of 6 months notification is required. It would be advantages for the developer if Alectra Utilities were contacted at the stage where the new site plan becomes available. Please note that it takes approximately 36-52 weeks to purchase a transformer.
- Existing O/H service is supplied from rear and will have to be relocated and supplied from Sydenham Street prior to land severances for proposed other future lots facing Queen Street.

We would also like to stipulate the following:

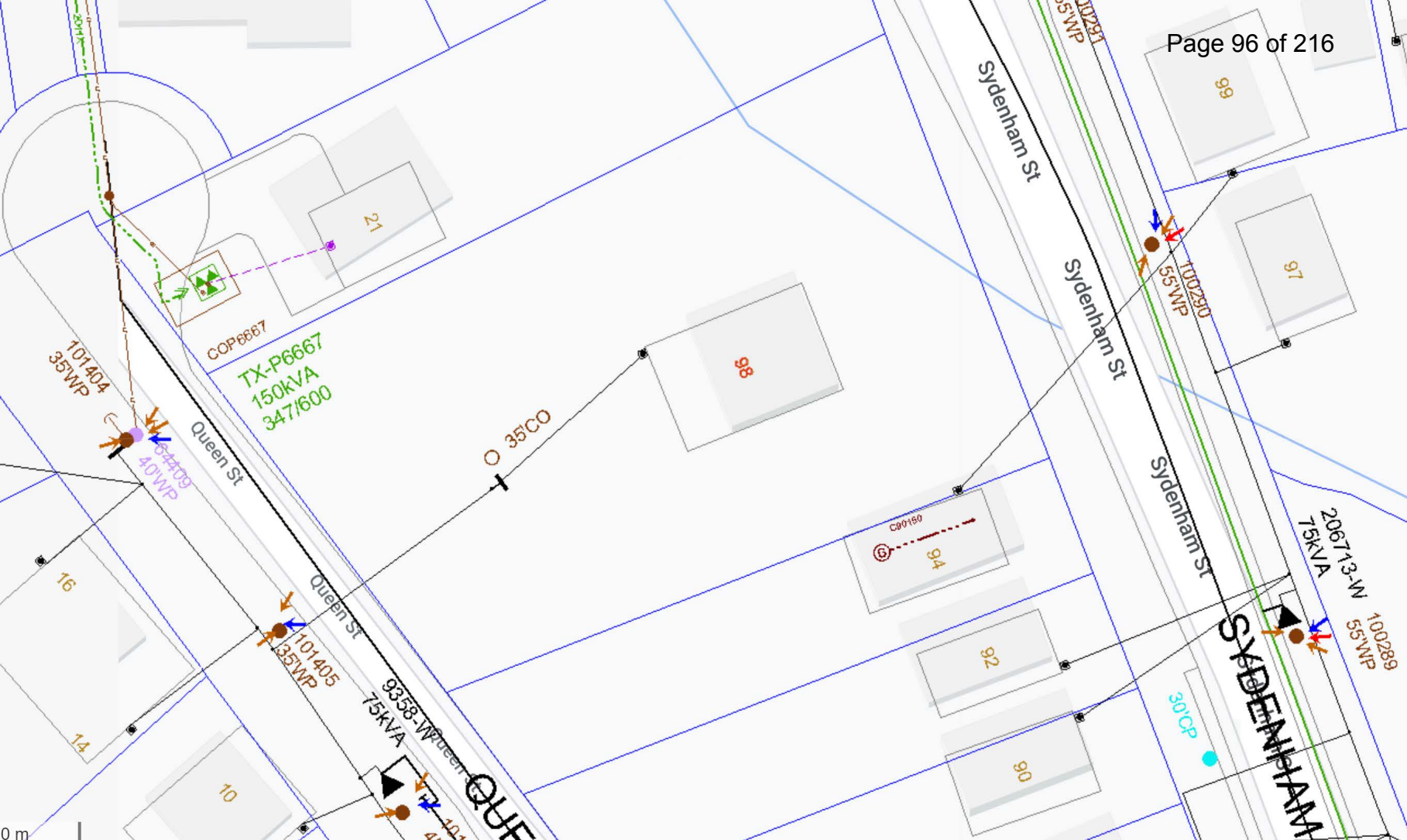
- Do not excavate within two metres of hydro poles and anchors.
- Excavation within one metre of underground hydro plant is not permitted unless approval is granted by an Alectra Utilities representative and is present to provide direct supervision. Cost associated with this task shall be at the owner's 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)
 - CSA Standard C22.3 No. 1:20, Overhead System
 - CSA Standard C22.3 No. 7:20, Underground Systems

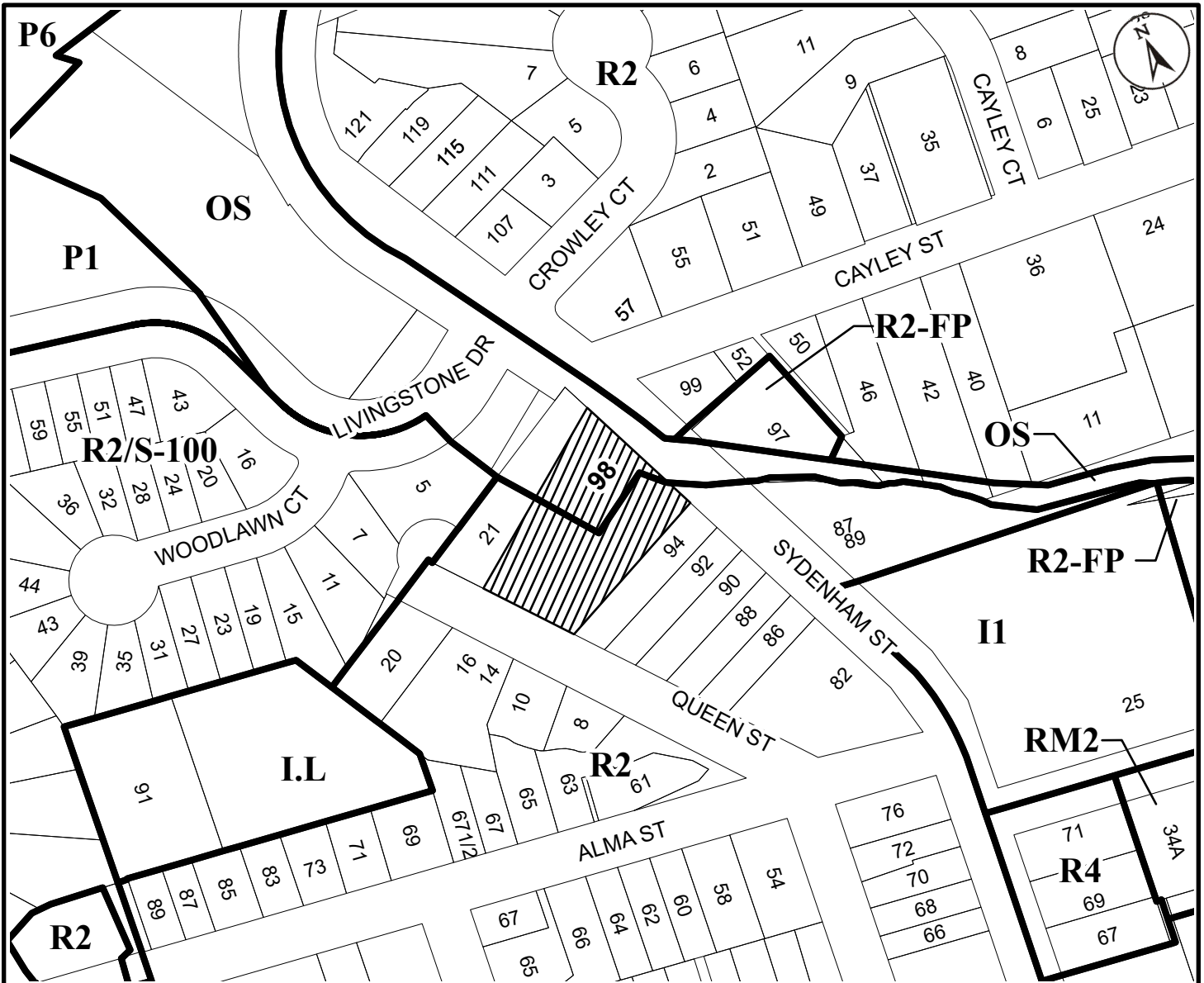
We trust that you will find this information satisfactory and that the information contained within will be provided to the owner of this project. Should you have any questions regarding this response, please contact Charles Howell at 905-798-2517 in our Engineering Design Department.

Sincerely,

Mark Jakubowski

Mark Jakubowski
Supervisor, Design, Customer Capital





● Site Location



Committee of Adjustment

Subject Property



98 Sydenham Street, Dundas
(Ward 13)

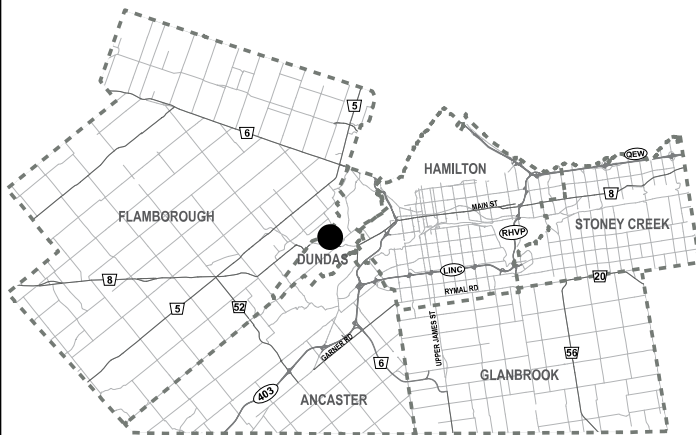
File Name/Number:
DN/A-23:348

Date:
January 29, 2024

Technician:
AL

Map Not To Scale

Appendix "A"



City of Hamilton



Hamilton

From: [Jeff Tweedle](#)
To: [Committee of adjustment](#)
Cc: [Matt Johnston](#)
Subject: February 13, 2024 - CoA - HCA Comments for DN/A-23:348 for 98 Sydenham Street, Dundas
Date: Friday, February 9, 2024 9:49:41 AM
Attachments: [image002.png](#)

Good morning,

The Hamilton Conservation Authority (HCA) has reviewed the Committee of Adjustment Agenda for February 13, 2024 in accordance with HCA's responsibilities under the *Conservation Authorities Act* relating to provincial interests for natural hazards and offer the following comments for DN/A-23:348 for 98 Sydenham Street, Dundas. HCA has cc'd the applicant's agent on this email for their information.

DN/A-23:348 – 98 Sydenham Street, Dundas

The subject property is approximately 0.31 ha (0.76 ac) in size and located within the Sydenham Creek watershed, which drains to Spencer Creek and eventually Hamilton Harbour. A portion of Sydenham Creek traverses the north-most corner of the subject property flowing from north to south. This portion of Sydenham Creek forms a short reach of open channel as the watercourse is confined within existing culverts both upstream and downstream of the property as it crosses under Livingstone Road and Sydenham Street. The open channel of Sydenham Creek between Livingstone Road and Sydenham Street is considered an unconfined watercourse and the subject property may be affected by flooding and erosion hazards associated with the watercourse.

The minor variances requested in the application are intended to facilitate severance application DN/B-23:44 which was conditionally approved on August 3, 2023. The conditionally approved severance has retained lands entirely within Dundas Special Policy Area 1 and severed lands partially within Dundas Special Policy Area 1. Dundas Special Policy Area 1 provides policies related to the management of existing and future development of areas of the former Town of Dundas located within flooding hazard areas. HCA previously provided comments on severance application DN/B-23:44 and had recommended the deferral of the application and additional assessments be completed to determine potential impacts of the flood spill hazard on the severed and retained lands. HCA's recommendations were incorporated in Condition 12 of the conditional approval granted on August 3, 2023 for severance application DN/B-23:44. To date HCA has not received any further information regarding the assessment of the flood spill hazard as a result of the backwater effect potentially produced by the Sydenham Creek watercourse crossing (culvert) at Livingstone Road or demonstration of building envelopes within the severed parcels which comply with HCA's Planning & Regulation Policies and Guidelines and Dundas Special Policy Area 1 provisions.

HCA staff do not have any concerns regarding the requested minor variances as they do not propose or facilitate additional development on the subject site. HCA does not object to the granting of the requested minor variances. HCA staff would note Condition 12 of the granted conditional approval for DN/B-23:44 remains outstanding and would recommend the applicants consult with HCA staff regarding this condition and the potential impact of flood spill hazards on the property.

The property is regulated by HCA pursuant to *Ontario Regulation 161/06* (HCA's Regulation of Development, Interference with Wetlands and Alterations to Shorelines and Watercourses) made under the *Conservation Authorities Act, R.S.O. 1990*. The regulated area is associated with the flooding and erosion hazards produced by Sydenham Creek. Written permission from HCA is required for any construction, site alteration, or grading completed within the regulated portion of the subject site.

Please contact the undersigned if there are any questions regarding the provided comments.

There will be no fee for HCA's review of DN/A-23:348 given HCA's previous review of the severance file. **However, HCA has not received the \$1,233.96 (includes HST) review fee for the severance application (DN/B-23:44) which HCA previously reviewed. It is requested the applicant or their agent contact HCA staff regarding the payment of this outstanding fee.**

Regards,

Jeff Tweedle

Conservation Planner
Hamilton Conservation Authority
838 Mineral Springs Road, P.O. Box 81067
Ancaster, ON L9G 4X1

Phone: 905-525-2181 Ext. 164

Email: jtweedle@conservationhamilton.ca

www.conservationhamilton.ca



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February 9, 2024

To: Ms. Jamila Sheffield
Committee of Adjustment
City of Hamilton

From: Penny Gill and Christopher Pibus
94 Sydenham St.
Dundas ON

Re: Minor Variance Application No. DN/A-23:348 -- Subject property 98 Sydenham St.

Background:

This submission is filed in our capacity as the assessed owner and residents of the property at 94 Sydenham St., which is directly adjacent to the subject property, along the side lot line that runs from Sydenham St. to Queen St. at the rear.

Last year an application for severance was conditionally approved by the Committee which would subdivide the subject property into 3 lots. This variance application seeks to satisfy the outstanding condition by authorizing the location of certain existing remaining structures, so they are rendered compliant with various zoning setbacks.

Amendment Requested:

Adjustment to the language of the variances is respectfully requested to remove ambiguities, and to make it clear that the variances relate to the identified setbacks for existing buildings on the **retained property**, not the setbacks for the new parcels.

Submissions:

In the Applicant's letter of December 22 2023, the applicant explains that "the requested variances are required to permit the location of the existing frame shed and detached garage relative to the approved property boundary of the lands to be retained." A Minor Variance Sketch is attached to the letter that identifies the location of the shed and garage, and illustrates the necessity for the variances.

Ambiguities arise in the drafting of the requested variances, where there are references to the "rear lot line" and the "side lot line" without clear identification of their locations. If the variances are granted in the broad terms requested, there is a risk that a developer/ owner of the severed lot could claim the variance gives them the right to build accessory structures along our side lot line with a minimum set back of 0.80 metres. This ambiguity can be readily resolved by the addition of language making it clear that the new setbacks only apply to the retained property, and by referencing the existing shed and garage as shown on the Sketch. Any future development or new development on the existing lot or either of the two new lots would have to comply with the existing zoning.

With those amendments in place, we would have no objection to the proposed Minor Variances.

Thank you for considering our submissions.

Penny Gill and Christopher Pibus



Hamilton

DN/A-23:339 – 12 Napier Street North, Dundas

Recommendation:

Development Planning - Denial

Proposed Conditions:

1. The Applicant is required to establish an encroachment agreement with the City of Hamilton for the parking spaces located within the municipal right-of-way (To the satisfaction of the Manager of Transportation Planning).

Proposed Notes:

N/A



Hamilton

Development Planning:

Background

The application is proposing to permit an office use within the existing building and associated parking spaces.

Currently there is an office use within the ground floor of the existing structure and a dwelling unit on the second floor. Based upon previous staff correspondence, the last recognized use by the City on the subject lands was a tin smithing sales outlet as well as a cleaning and pressing plant limited to 400 square feet, pursuant to a Committee of Adjustment Decision dated November 15, 1963. The current office does not appear to have been operating or established until 2007. An application under Section 45(2) of the *Ontario Planning Act* was not submitted to establish the office use on the subject property in 2007. Therefore, it cannot be considered a legal non-conforming use.

Ontario Planning Act

The application has been submitted under Section 45(2)(a)(ii) under the *Ontario Planning Act* which states where a legally non-conforming use exists which is prohibited by the [zoning] by-law, the Committee of Adjustment may permit:

- “(ii) the use of such land, building or structure for a purpose that, in the opinion of the committee, is similar to the purpose for which it was used on the day the by-law was passed or is more compatible with the uses permitted by the by-law than the purpose for which it was used on the day the by-law was passed, if the use for a purpose prohibited by the by-law or another use for a purpose previously permitted by the committee continued until the date of the application to the committee.”

The previous tin smithing sales outlet as well as cleaning and pressing plant uses were confirmed by City staff as Legal Non-Conforming uses under Dundas Zoning By-law No. 1964 on the subject lands. Based upon a Zoning Compliance Review completed on February 8, 2023, City staff determined that the existing office use was not legally established as a legal non-conforming use within the Zoning By-law. As such, this application cannot be considered under Section 45(2)(a)(ii) of the *Ontario Planning Act* and instead must be considered under Section 45(1) of the *Ontario Planning Act*.

Analysis

Urban Hamilton Official Plan

The subject lands are designated as “Neighbourhoods” in Schedule E-1 – Urban Land Use Designations and “Neighbourhoods” in Schedule E – Urban Structure of the Urban Hamilton Official



Hamilton

Plan. Policy E.3.2.3, amongst others, apply. Per Policy E.3.2.3, local commercial uses (such as an office) are permitted in the “Neighbourhoods” designation.

Colborne Neighbourhood Plan

The subject property is identified as “Single and Double” in the Colborne Neighbourhood Plan. The existing residential use is in keeping with the intent of the plan. The requested variances and proposed office use are not in keeping with the intent of the Neighbourhood Plan.

Archeology

No comment.

Cultural Heritage

No comment.

Dundas Zoning By-law No. 3851-86

The subject lands are zoned Single Detached Residential (R2) Zone under Dundas Zoning By-law No. 3581-86. An office is not a permitted use in this zone.

Variance 1

1. An Office shall be permitted within the ground floor of the existing building.

Staff note that the permitted uses in the R2 zone are currently limited to single detached dwellings, semi-detached dwellings, duplex dwellings, street townhouse dwellings, retirement homes, bed and breakfast establishments, urban farms, community gardens and accessory buildings, structures and uses thereto. Staff are of the opinion that an Office use is not in keeping with the intent of the Zoning By-law with regards to the residential nature of the permitted uses within the R2 zone. As noted above, the office use is not considered a legal non-conforming use. The proposal to add an office use does not meet the intent of the existing Zoning By-law and is not considered minor. Therefore, staff do not support Variance 1.

Variances 2 to 4

2. Parking spaces shall be provided within the required front yard whereas the By-law requires that no required parking or loading space shall be located in a required front yard.

3. No manoeuvring space shall be provided for a parking space whereas the By-law requires a 6.0 metre maneuvering space for 90 degree parking spaces.



Hamilton

4. A minimum of three parking spaces shall be provided instead of the required five parking spaces for a dwelling unit and office use.

The intent of these provisions is to ensure sufficient parking is provided on-site and ensure that parking does not encroach into the streetscape.

Staff note that one of the proposed parking spaces is required for the existing dwelling unit on the second floor of the structure and the remaining two spaces for the office use.

Variances 5 to 7

5. A 1.9 metre landscaping area shall be provided directly abutting a street line whereas the By-law requires a 3.0 metre landscaping area directly abutting a street line.

6. No buffer strip shall be provided abutting a residential zone or lot whereas the By-law requires a 3.0 metre buffer strip when the side or rear lot line abuts an RU/S-5, R1, R2, R3, R4, RM1, RM2, RM3 or RM4 zone.

7. A minimum 40% landscaping in the front yard shall be provided for a building containing a residential use whereas the By-law requires a minimum of 50% landscaping in the front yard for residential buildings.

Staff note that Variances 5 to 7 are existing circumstances of the subject property, such as the existing structure's placement near the lot lines. Staff also note that the reduced landscaping buffers and area would not be in keeping with the character of the existing neighbourhood or streetscape, which is characterized by landscaped yards and residential uses.

Staff note that Variances 2 to 7 are intended to bring the office use and associated parking into compliance with the Zoning By-law. As the office use is not a permitted use within the R2 zone and has not been established as a legal non-conforming use, staff are of the opinion that Variances 2 to 7 would not be in keeping with the intent of the Zoning By-law, are not desirable for the proposed development and are not minor in nature.

Staff are of the opinion that the variances do not meet the four tests of a minor variance. Based on the foregoing, **staff do not support the variances.**

Zoning:

Recommendation:	Comments Only
Comments:	1. Additional variances may be required if the existing shed located in the rear yard is less than 1.0 metres for a structure having less than 10m ² floor area or 2.0 metres for a structure having between 10m ² and 18 m ²

STAFF COMMENTS**HEARING DATE: February 13, 2024**

Hamilton

	<p>floor area from the rear property line. Please note, insufficient information has been provided to confirm zoning compliance based on the height and size of the Accessory Structure.</p> <p>2. Please note, an Encroachment Agreement with Public Works is required for any work or alterations, including the driveway extension landscaping area, indicated within the Napier Street North Road Allowance.</p> <p>3. The City of Hamilton is continuing to develop Hamilton Zoning By-law 05-200 which encompasses the former City of Hamilton and the five (5) outlining municipalities. Please be advised that the next phase is the Residential Zones Project which will include Low Density Residential Zones. The subject property may be impacted by upcoming changes scheduled to be heard at the Planning Committee meeting of February 23, 2024.</p>
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Development Engineering:

Recommendation:	Approve
Proposed Conditions:	N/A
Comments:	Provided the existing drainage pattern is maintained, Development Engineering has no objection to the proposed minor variances.

Transportation Planning:

Recommendation:	Approve with Conditions
Proposed Conditions:	The Applicant is required to establish an encroachment agreement with the City of Hamilton for the parking spaces located within the municipal right-of-way (To the satisfaction of the Manager of Transportation Planning).

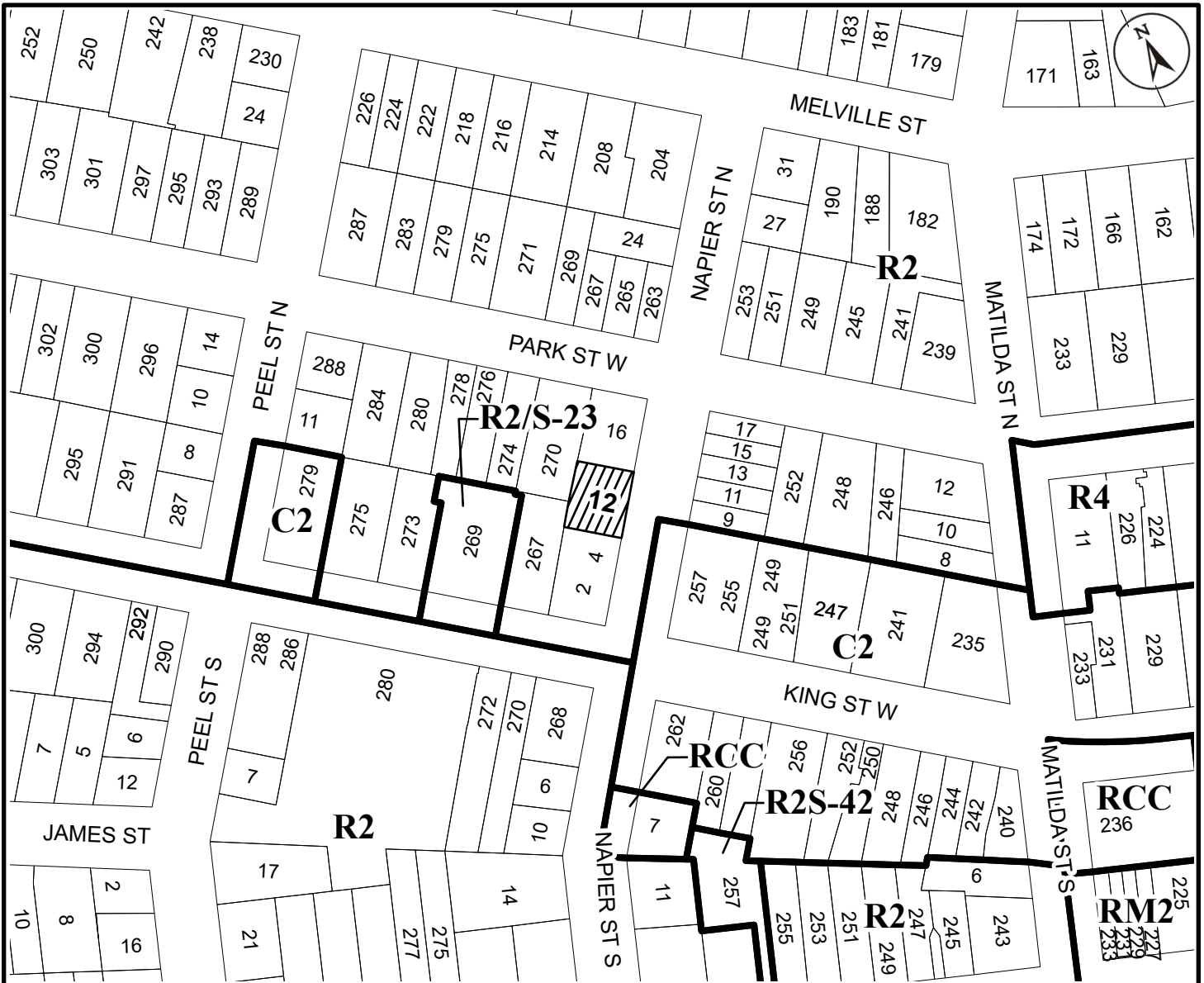
Building Engineering:

Recommendation:	No comments.
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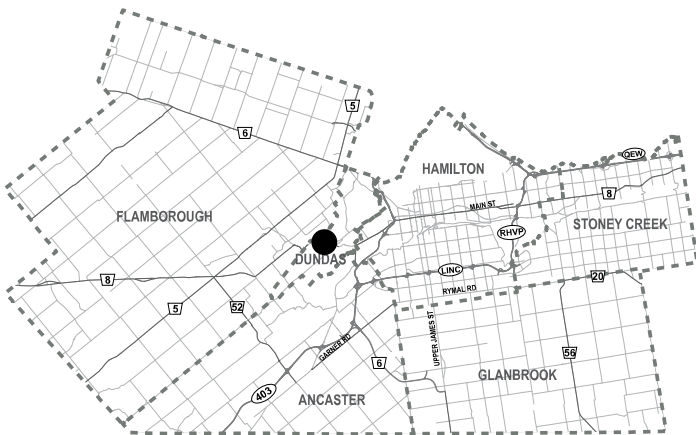
Legislative Approvals:

Recommendation:	No comments.
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Please Note: Public comment will be posted separately, if applicable.



● Site Location



City of Hamilton

Committee of Adjustment

Subject Property



12 Napier Street North, Dundas
(Ward 13)

File Name/Number:

DN/A-23:339

Date:

January 29, 2024

Technician:

AL

Map Not To Scale

Appendix "A"



Hamilton



Hamilton

HM/B-24:02 – 1036 Garth Street, Hamilton

Recommendation:

Development Planning - Staff recommend approval of Consent Application HM/B-24:02 as the proposed severed and retained lots are compatible with the surrounding lot fabric, the proposal generally complies with the Urban Hamilton Official Plan and maintains the intent of Former Hamilton Zoning By-law No. 6593.

Proposed Conditions:

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 and binding approval of Minor Variance application HM/A-23:347, to the satisfaction of the Director of Development Planning.
5. That the owner shall investigate the noise levels on the severed lands to determine and implement the noise control measures that are satisfactory to the City of Hamilton in meeting the Ministry of Environment, Conservation and Parks (MECP) recommended sound level limits. An acoustical report prepared by a qualified Professional Engineer containing the recommended noise control measures shall be submitted to the satisfaction of the City of Hamilton, Director of Planning and Chief Planner. Should a peer review of the acoustical report be warranted, all associated costs shall be borne by the owner and shall be submitted to the satisfaction of the City of Hamilton, Director of Development Planning
6. The owner shall register on title an access easement, for purposes of vehicular access, on the lands to be severed in favour of the lands to be retained, to the satisfaction of the Director of Development Planning.
7. The owner shall receive final approval of any necessary variances from the requirements of the Zoning By-law as determined necessary by the Planning and Economic Development Department (Planning Division – Zoning Examination Section).

STAFF COMMENTS**HEARING DATE: February 13, 2024**

Hamilton

8. 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 Examination Section).
9. In order to clear conditions, the applicant will be required to make application for a Zoning Compliance Review and pay the relevant fees.
10. That the Owner must provide separate independent sewer and water services to the severed and retained parcel to the satisfaction of the City's Director of Development Engineering.
11. The existing right-of-way at the subject property is approximately 29.0 metres.

Approximately, 3.0 metres are to be dedicated to the right-of-way on Garth Street, as per the Council Approved Urban Official Plan: Schedule C-2 - Future Right-of-Way Dedications. Garth Street is to be 31.394 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) (To the satisfaction of the Manager of Transportation Planning).

Proposed Notes:

Staff note that the proposed semi-detached dwellings are to be converted from a single detached dwelling currently under construction.

The lands to be retained (Lot 2) will remain as 1036 Garth Street (Hamilton).

The lands to be severed (Lot 1) will be assigned the address of 1038 Garth Street (Hamilton).

We ask 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.



Hamilton

Development Planning:

Background

To permit the conveyance of one half of a semi-detached dwelling and to retain one half of a semi-detached dwelling. The proposed semi-detached dwellings are to be converted from a currently under construction single detached dwelling.

Analysis

Urban Hamilton Official Plan

The Urban Hamilton Official Plan designates the property as “Neighbourhoods” in Schedule E-1 – Urban Land Use Designations and is further identified as “Neighbourhoods” in Schedule E – Urban Structure. Policies found in Sections B.2.4.2, B.3.6.3.7, F.1.14.3.1 and E.3.4.3 amongst others, are applicable and permit semi-detached dwellings. Staff note that the built form of the proposed semi-detached dwellings is generally comparable in scale, character and the established development pattern of the surrounding area. Staff also note that the proposed lots are serviced by municipal water and wastewater and front on to a public road.

Garth Street is identified as a “Minor Arterial Road” in Schedule C – Functional Road Classification of the Urban Hamilton Official Plan. Per B.3.6.3.7, as the proposed residential development is located on Garth Street the submission of a noise feasibility study, or detailed noise study, or both, shall be required. Staff have recommended a condition to ensure that this requirement is satisfied.

Natural Heritage

No comments.

Archeology

No comments.

Cultural Heritage



Hamilton

No comments.

Gilbert Neighbourhood Plan

The subject site is identified as “Single and Double” within the Gilbert Neighbourhood Plan. Semi-detached dwellings are permitted, and the proposed application is facilitating the long term vision of the Gilbert Neighbourhood Plan.

Former City of Hamilton Zoning By-law No. 6593

The subject lands are zoned “C/S-1822” (Urban Protected Residential) District in Former City of Hamilton Zoning By-law No. 6593 and semi-detached dwellings are permitted. The proposed severed and retained lands do not meet the minimum required lot area and lot width of the Zoning By-law. A Minor Variance Application (HM/A-23:347) submitted concurrently with this Consent Application is under consideration to address these non-conformities.

Zoning:

Recommendation:	Comments and Conditions / Notes
Proposed Conditions:	<ol style="list-style-type: none"> <li data-bbox="444 1062 1500 1203">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 (Planning Division – Zoning Examination Section). <li data-bbox="444 1245 1511 1497">2. The owner shall submit survey evidence that the lands to be severed and the lands to be retained, including the location of any existing structure(s), parking and landscaping conform to the requirements of the Zoning By-Law or alternatively apply for and receive final approval of any variances from the requirements of the Zoning By-Law as determined necessary by the Planning and Economic Development Department (Planning Division – Zoning Examination Section). <li data-bbox="444 1570 1463 1644">3. In order to clear conditions, the applicant will be required to make application for a Zoning Compliance Review and pay the relevant fees.
Comments:	<ol style="list-style-type: none"> <li data-bbox="444 1650 1507 1717">i. The variances requested of application HM/A-23:347 is necessary to facilitate lands severance of this application HM/B-24:02. <li data-bbox="444 1759 1468 1827">ii. Variances for minimum lot width and minimum lot area is required for zoning compliance of the lands to be conveyed and retained.

STAFF COMMENTS**HEARING DATE: February 13, 2024**

Hamilton

	<p>iii. The lands to be conveyed/retained shall be merged in title with the lands to which they are to be added.</p> <p>iv. The applicant should obtain appropriate municipal addresses for the proposed parcels from the Growth Planning Section of the Planning and Economic Development Department prior to the issuance of a building permit.</p> <p>v. Construction of the semi-detached dwellings is subject to the issuance of a building permit in the normal manner. Be advised that Ontario Building Code regulations may require specific setback and construction types.</p>
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Development Engineering:

Recommendation:	Approve with Conditions
Proposed Conditions:	1. That the Owner must provide separate independent sewer and water services to the severed and retained parcel to the satisfaction of the City's Director of Development Engineering.
Comments:	The current Sewer By-law 23-234 and Water By-laws 23-235 require that each property has an independent private water and sewer services.

Transportation Planning:

Recommendation:	Approve with Conditions
Proposed Conditions:	<p>The existing right-of-way at the subject property is approximately 29.0 metres.</p> <p>Approximately, 3.0 metres are to be dedicated to the right-of-way on Garth Street, as per the Council Approved Urban Official Plan: Schedule C-2 - Future Right-of-Way Dedications. Garth Street is to be 31.394 metres.</p> <p>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) (To the satisfaction of the Manager of Transportation Planning).</p>

Building Engineering:

Recommendation:	No comments
Notes:	This Division has no concerns with the proposed application.

Forestry and Horticulture:

STAFF COMMENTS**HEARING DATE: February 13, 2024**

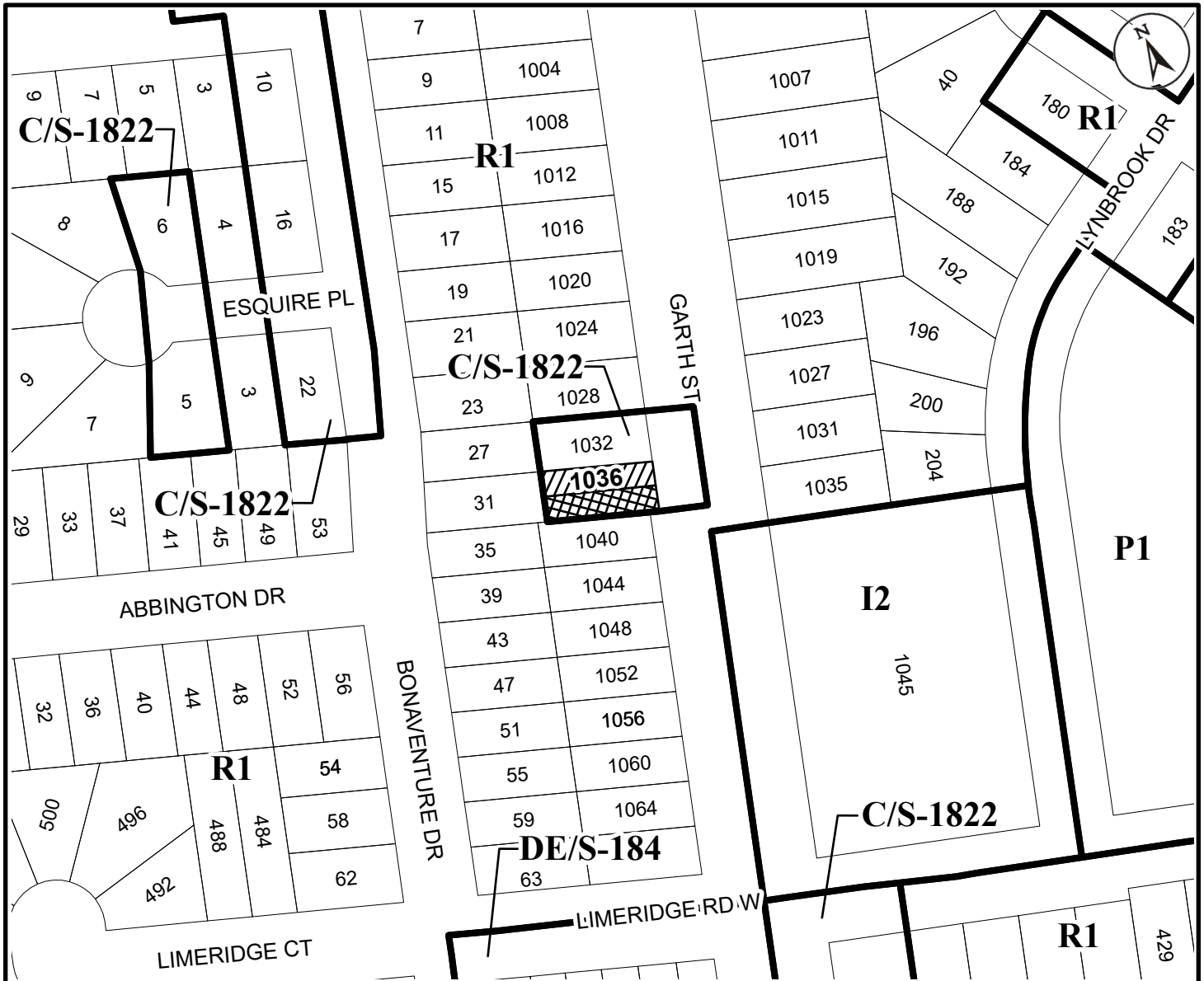
Hamilton

Recommendation:	Approve
Comments:	<p>There are no Municipal Tree Assets on site. No public tree permit is required.</p> <p>No Landscape plan required.</p> <p>Forestry has no concerns or conditions regarding this application.</p> <p>For questions please contact: urbanforest@hamilton.ca</p>

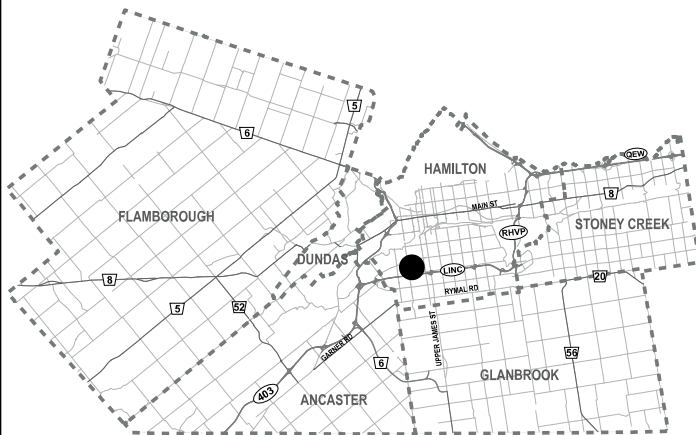
Legislative Approvals:

Recommendation	Comments Only
Comments:	<p>The lands to be retained (Lot 2) will remain as 1036 Garth Street (Hamilton). The lands to be severed (Lot 1) will be assigned the address of 1038 Garth Street (Hamilton).</p>
Notes:	<p>We ask 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.</p>

Please Note: Public comment will be posted separately, if applicable.



● Site Location





City of Hamilton

Committee of Adjustment

Subject Property

1036 Garth Street, Hamilton (Ward 14)

-  Lands to be Retained
-  Lands to be Severed

File Name/Number:
HM/B-24:02

Date:
February 1, 2024

Technician:
AL

Map Not To Scale

Appendix "A"



Hamilton



Hamilton

HM/A-23:347 – 1036 Garth Street, Hamilton

Recommendation:

Development Planning - Approve

Proposed Conditions:

N/A

Proposed Notes:

Staff note that the proposed semi-detached dwellings are to be converted from a single detached dwelling currently under construction.



Hamilton

Development Planning:

Background

Consent to Sever Application HM/B-24:02 was submitted to create two separate lots for the development of semi-detached dwellings. A Minor Variance Application is required to address the minimum lot area and minimum lot width requirements of the Former City of Hamilton Zoning By-law No. 6593.

Analysis

Urban Hamilton Official Plan

The subject lands are designated as “Neighbourhoods” in Schedule E-1 - Urban Land Use Designations under the Urban Hamilton Official Plan and are identified as “Neighbourhoods” in Schedule E – Urban Structure of the Urban Hamilton Official Plan. Policies found in Sections B.2.4.2 and E.3.2.4, amongst others, are applicable. The proposed residential use is permitted.

Archeology

No comment.

Cultural Heritage

No comment.

Gilbert Neighbourhood Plan

The subject site is further identified as “Single and Double” within the Gilbert Neighbourhood Plan. Semi-detached dwellings are permitted, and the proposed application is facilitating the long term vision of the Gilbert Neighbourhood Plan.

Former City of Hamilton Zoning By-law No. 6593

The subject lands are zoned “C/S-1822” (Urban Protected Residential) District, Modified in Former City of Hamilton Zoning By-law No. 6593, semi-detached dwellings are a permitted use.

Variances 1 and 2

1. To permit a minimum lot width of 6.6 metres for each individual semi-detached dwelling whereas the By-law requires a minimum lot width of 9.0 metres.

STAFF COMMENTS**HEARING DATE: February 13, 2024**

Hamilton

2. To permit a minimum lot area of 205 square metres for each individual semi-detached dwelling whereas the By-law requires a minimum lot area of 270 square metres.

The intent of these provisions is to ensure lots are of a sufficient size to accommodate a semi-detached dwelling, accessory uses, amenity space and associated performance standards such as, but not limited to, minimum setbacks and maximum lot coverage.

Staff note that the structure is currently under construction as an approved single detached dwelling and as outlined in the Planning Justification Report submitted with this application, the intent of the development is to convert the single detached dwelling into semi-detached dwellings on separate lots.

Staff note that the semi-detached dwellings are proposed to have a Ground Floor Area of approximately 153 square metres each, which complies with the minimum requirements of the Zoning By-law. Therefore, staff are of the opinion that the proposed lots are of a viable, developable size and maintain the intent of the Zoning By-law and the requested variances are minor in nature.

Staff are of the opinion that variances 1 and 2 meet the four tests of a minor variance. Based on the foregoing, **staff support the variances.**

Zoning:

Recommendation:	Comments Only
Comments:	<ol style="list-style-type: none"> 1. Construction of the semi-detached dwellings is subject to the issuance of a building permit in the normal manner. Be advised that Ontario Building Code regulations may require specific setback and construction types. 2. Demolition of existing buildings are subject to the issuance of a demolition permit in the normal manner.
Notes:	vi. The variances requested of this application are necessary to facilitate lands severance application HM/B-24:02

Development Engineering:

Recommendation:	No comments.
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Transportation Planning:

Recommendation:	Approve
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Building Engineering:

STAFF COMMENTS**HEARING DATE: February 13, 2024**

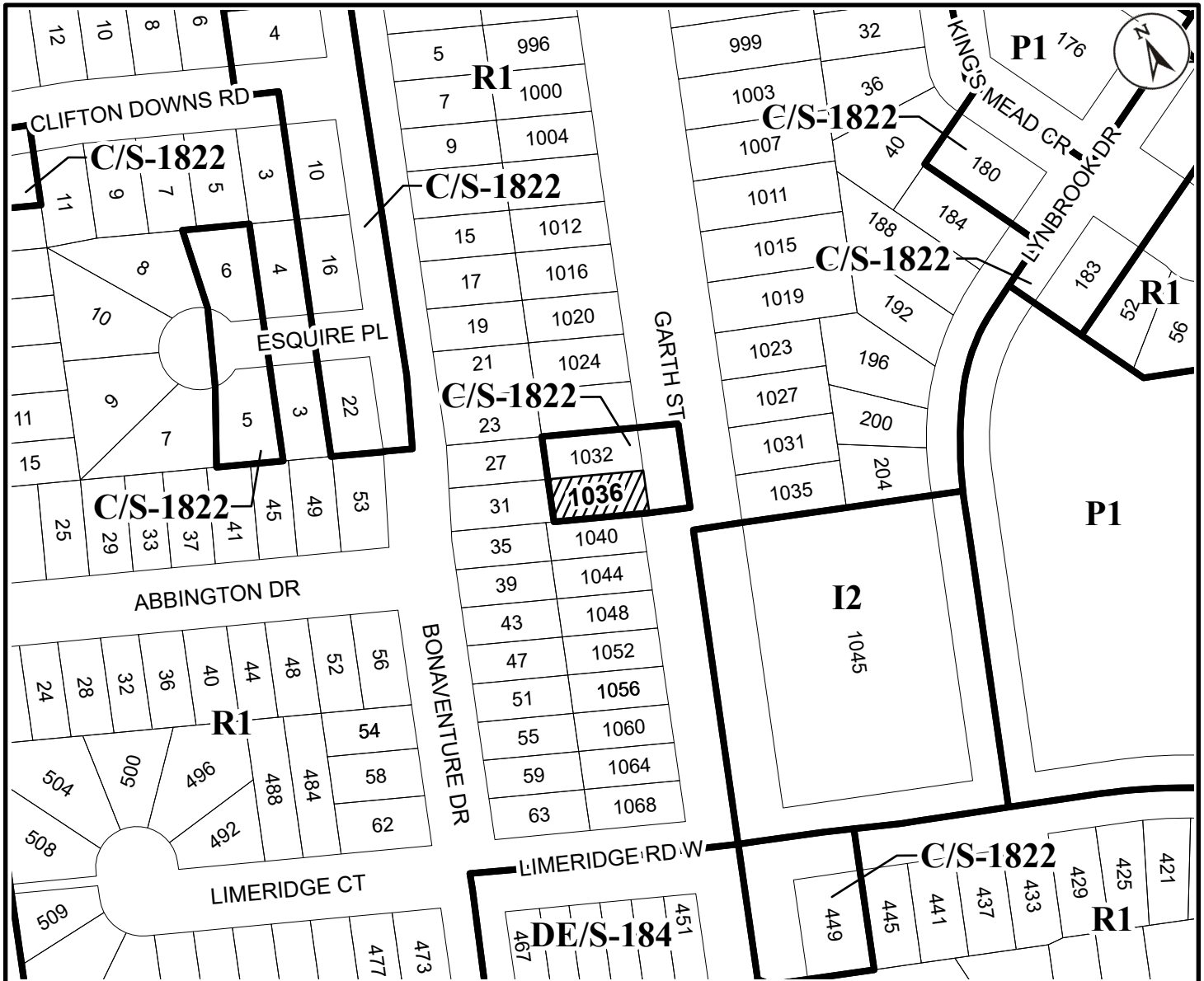
Hamilton

Recommendation:	Comments Only
Notes:	<p>Building Permit # 23 105630, issued on August 2, 2023, to construct a single-family dwelling remains not finalized.</p> <p>Be advised that Ontario Building Code regulations may require specific setback and construction types.</p>

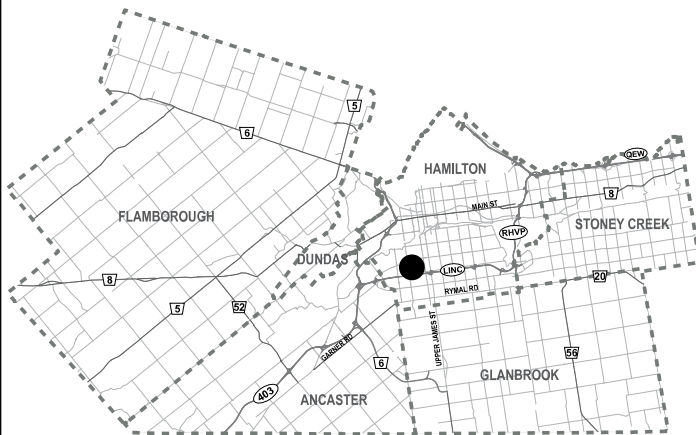
Legislative Approvals:

Recommendation:	No comments.
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Please Note: Public comment will be posted separately, if applicable.



● Site Location



City of Hamilton

Committee of Adjustment

Subject Property



1036 Garth Street, Hamilton
(Ward 14)

File Name/Number:
HM/A-23:347

Date:
January 29, 2024

Technician:
AL

Map Not To Scale

Appendix "A"



Hamilton



Hamilton

HM/A-23:338 – 279 Bonaventure Drive, Hamilton

Recommendation:

Development Planning - Approve

Proposed Conditions:

1. That the Applicant shall pay the difference in fee between the Routine Minor Variance application fee and the After the Fact Minor Variance application fee, to the satisfaction of the Manager of Zoning and Committee of Adjustment.

Proposed Notes:

Staff note the proposed three-storey single detached dwelling with a secondary dwelling unit is currently under construction.



Hamilton

Development Planning:

Background

To facilitate the construction of a single detached dwelling together with a secondary dwelling unit.

Staff note that the incorrect application fee (being the Routine minor variance application fee) was collected for this Minor Variance application, whereas the correct would have been the After the Fact fee.

Analysis

Urban Hamilton Official Plan

The subject lands are designated as “Neighbourhoods” in Schedule E-1 - Urban Land Use Designations under the Urban Hamilton Official Plan and are identified as “Neighbourhoods” in Schedule E – Urban Structure of the Urban Hamilton Official Plan. Policies found in Sections B.2.4.2, and E.3.2.4, amongst others, are applicable. The proposed residential use is permitted.

Archeology

No Comment

Cultural Heritage

No Comment

Gilbert Neighbourhood Plan

The subject site is further identified as “Single and Double” in the Gilbert Neighbourhood Plan. The proposed residential uses are in keeping with the intent of the plan.

Former City of Hamilton Zoning By-law No. 6593

The subject lands are zoned “D/S-744” and “D/S-1822” (Urban Protected Residential – 1 & 2 Family Dwellings Etc.) District, Modified under Former City of Hamilton Zoning By-law No. 6593. The proposed single detached dwelling and secondary dwelling unit are permitted.

Variance 1

1. A minimum easterly side yard width of 1.2 metres and a minimum westerly side yard width of 1.7 metres shall be permitted whereas the By-law requires a minimum side yard width of 2.7 metres for a single-family dwelling over 2.5 storeys or 11.0 metres in height.



Hamilton

The intent of this provision is to ensure that adequate space is provided within the side yards of a property for access, maintenance and drainage purposes. Staff defer any grading or drainage concerns to Development Engineering.

Staff are of the opinion that the requested minimum side yard widths of 1.2 metres and 1.7 metres would provide sufficient space on the subject property for access and maintenance purposes. Staff are of the opinion the requested variance is minor in nature.

Variance 2

2. A minimum of two parking spaces shall be permitted whereas the By-law requires a minimum of three parking spaces.

The intent of these provisions is to ensure adequate parking is provided on site for residents.

Staff note that the lot size and shape combined with the requirement that at least 50% of the front yard be landscaped reduce the opportunities to provide three parking spaces on the subject property. Staff are of the opinion that the proposed minor variance balances the intent of the Official Plan policies and Zoning By-law and considers the characteristics of the exiting neighbourhood. There are bus stops for the Upper Paradise – 34 bus route within walking distance (less than 500 metres) from the subject property, which provides an alternative mode of transportation for residents and reducing the need for personal transportation. Therefore, staff do not anticipate negative impacts on the surrounding neighbourhood or traffic flow on Bonaventure Drive. Therefore, the variance is minor in nature.

Staff are of the opinion that variances 1 and 2 meet the four tests of a minor variance. Based on the foregoing, **staff support the variances.**

3. One parking space shall be permitted to maintain a parking space length of 5.9 metres whereas the By-law requires a minimum parking space length of 6.0 metres.

The intent of this provision is to ensure parking spaces are sufficiently sized to accommodate a broad range of vehicle types. Staff note that the parking space, as shown on the site sketch submitted with the application, is shown to be 5.998 metres in length and can be rounded to 6 metres, which represents a rounding error. Therefore, the proposed parking space meets the required dimensions for a parking space and this variance is not necessary.

Zoning:

Recommendation:	Comments Only
Comments:	1. The applicant requested a variance to permit parking in the front yard; however, the variance is not required as parking is permitted in the

STAFF COMMENTS**HEARING DATE: February 13, 2024**

Hamilton

	<p>required front yard for a single family dwelling and for a secondary dwelling unit.</p> <p>2. No floor plans were provided for the secondary dwelling unit from which to confirm the total number of bedrooms proposed. If the proposal is for more than two bedrooms, further variances shall be required.</p> <p>3. An eave or gutter may project into a required yard not more than one-half of its width or 1.0m whichever is the lesser. Insufficient information was shown from which to determine compliance. The applicant shall ensure compliance is achieved; otherwise, further variances may be required.</p>
--	--

Development Engineering:

Recommendation:	Approve
Proposed Conditions:	N/A
Comments:	The proposed easterly side yard width of 1.2 m is suitably sized to provide an adequate drainage swale for conveyance of stormwater flows. Therefore, Development Engineering has no objections to the proposed minor variances.

Transportation Planning:

Recommendation:	Approve
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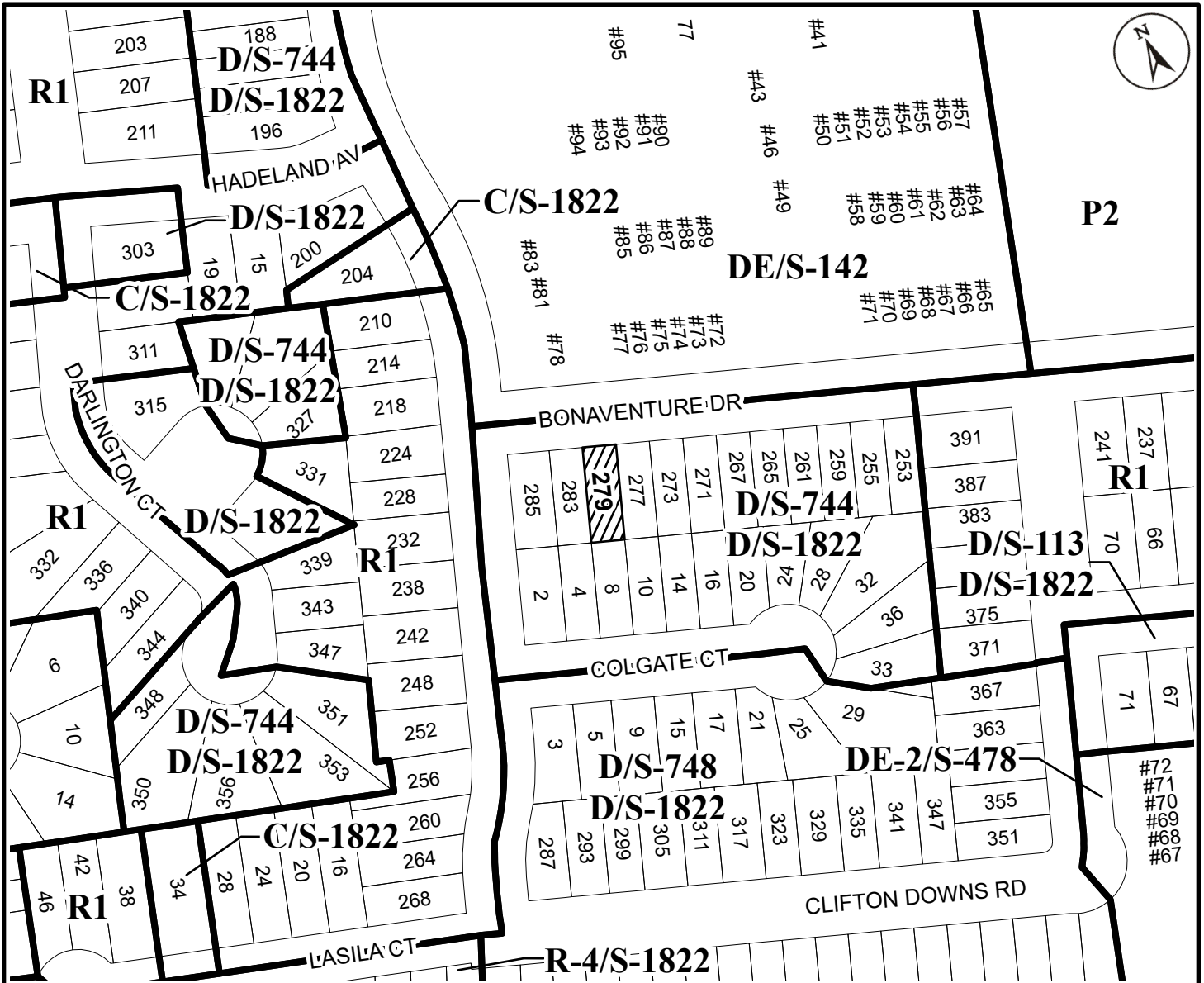
Building Engineering:

Recommendation:	Comments Only
Notes:	<p>A building permit is required for the construction of the proposed single-family dwelling with a secondary dwelling unit.</p> <p>Order to Comply 23 315381, dated December 6, 2023 remains outstanding.</p>

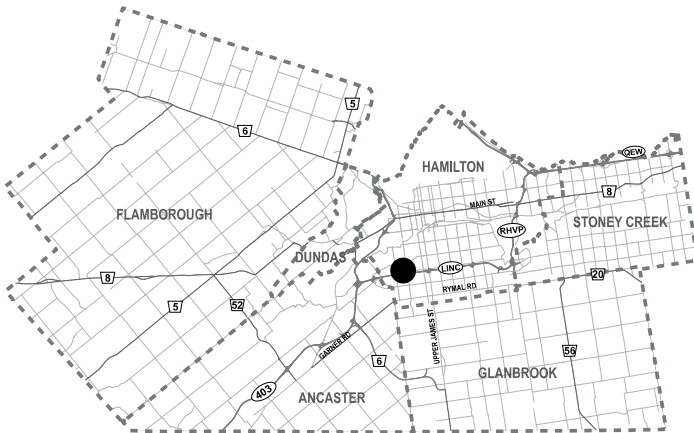
Legislative Approvals:

Recommendation:	No comments.
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Please Note: Public comment will be posted separately, if applicable.



● Site Location



City of Hamilton

Committee of Adjustment

Subject Property



279 Bonaventure Drive, Hamilton
(Ward 14)

File Name/Number:

HM/A-23-388

Date:

January 29, 2024

Technician:

AL

Map Not To Scale

Appendix "A"



Hamilton



Hamilton

COMMITTEE OF ADJUSTMENT

City Hall, 5th floor, 71 Main Street West, Hamilton, ON L8P 4Y5

Telephone (905) 546-2424, ext. 4221

E-mail: cofa@hamilton.ca

To: Committee of Adjustment

From: Zoning Examination Section

File Number: HM/A-23:338

Address: 279 Bonaventure Drive, Hamilton

Subject: Additional Committee of Adjustment File Comments – February 13, 2024

Recommendation	Comments Only
Proposed Conditions:	
Comments:	<ol style="list-style-type: none"> 1. Further to the receipt of Building Division comments, Zoning staff have identified that the information and drawings provided in support of Minor Variance Application (HM/A-23:338) are incorrect and do not reflect the drawings submitted for Building Permit #23-312803 and Order to Comply Notice #23-315381. The variances requested by the Owner do not address all of the deficiencies. The Owner shall be required to submit revised drawings for circulation, notice and review to assess the full extent of the modifications. 2. The applicant requested a variance to permit parking in the front yard; however, the variance is not required as parking is permitted in the required front yard for a single family dwelling and for a secondary dwelling unit. 3. No floor plans were provided for the secondary dwelling unit from which to confirm the total number of bedrooms proposed. If the proposal is for more than two bedrooms, further variances shall be required. 4. An eave or gutter may project into a required yard not more than one-half of its width or 1.0m whichever is the lesser. Insufficient information was shown from which to determine compliance. The applicant shall ensure compliance is achieved; otherwise, further variances may be required.

From: [Keith Fazekas](#)
To: [Committee of adjustment](#)
Subject: 279 Bonaventure Dr. Hamilton Building Permit Issues & Adjustments
Date: Friday, February 9, 2024 12:56:27 PM

Hello,

I am officially complaining of a 3 story dwelling which is obviously a 3 story apartment building and NOT a single family home with a dwelling on the bottom level. I have questions and issues with city & building.

1. Is there an actual building permit that was issued by the city for a 3 story apartment building?
2. Was it originally supposed to be a single family dwelling and a separate dwelling on the main floor?
3. Was the 3rd floor added to look like a monster high dwelling without a permit?
4. Were 2 stairways added to the 2nd and 3rd floor in the original plans approved by the city knowing it might be possible that it was intended to be a completely separate apartments in the future?
5. Does the 3 story comply with the original neighborhood being only 2 story when the neighborhood was built?
6. Did the city even consider that the other property owners will have issues in selling their property because of lack of privacy in their own back yards with a towering 3 story unit?

I hope the city doesn't approve a 3 story on that small lot in the residential area that was supposed to be 2 story with 3 car parking originally.

Yes I agree with allowing extra parking on their front grass designated area as the parking on the street is filled to max from the townhouses across the street where the townhouses when designed did not have enough onsite parking for future double or triple car owners of the complex.

I saw the house being worked on 7 days a week long shifts and wondered if they had proper building permits.

In my opinion the 3rd story should be removed to the neighborhood bylaws originally formed.

Keith Fazekas
242 Clifton Downs Rd
Hamilton, ON L9C 7B5
519-761-0148
keithfazekas@hotmail.com

To: COMMITTEE OF ADJUSTMENT
CITY HALL COUNCIL CHAMBERS
71 MAIN STREET WEST., HAMILTON ONTARIO

February 8th 2024

APPLICANTS: Owner: OMRE TAHA
APPLICANT : MICHAEL SABELLI

SUBJECT: 279 BONAVENTURE DRIVE
HAMILTON, ONTARIO L9C 7B2

Dear Sir/Madam

We live in Canada, a beautiful country that is home to a diverse population. People from various ethnicities including White, Black, Greek, Italian, Portuguese, German, Polish, Filipino, and more come to Canada in search of a better life and opportunities for their children to receive a good education. We strive to build a peaceful and harmonious community with our neighbors. However, in our district we have a problem with a building that is too high and blocks off the sun, our backyard privacy, and our enjoyment of outdoor activities.

The building in question is a humongous home that looks like NASA is ready to ship off to space. Most of the residents in our district have back-split bungalows, bungalows, and side-split homes. They are family dwellings 1 & 2 residential, but this monster of a building is three floors up plus the basement, which is not in line with the area's regulations.

The builder, Omre Taha, thinks he's above the LAW. Instead of waiting for approval, he took it upon himself to build beyond the approved height limit. His actions are a violation of the law, and he should face legal consequences. Having laws is important to ensure that people follow them. Those who do not respect the law should face legal consequences.

I suggest that the builder pays the fine and brings down the building to one floor or a maximum of two floors. The infrastructure of the streets, Bonaventure Drive and Clifton Downs, does not provide adequate parking for residents as it currently stands. I do suggest that three parking spaces be mandated to the new building at 279 Bonaventure to ensure parking is not further an issue.

I can be contact at 905-389-2658

Respectful Resident



Mary Sue Alessi
2 Colgate Court
Hamilton, Ontario L9C 6Z6

Petition : "D/S-744 &S-1822"

(Urban Protected Residential - 1 & 2 Family Dwelling

Application: HM/A-23:338

APPLICANTS: Owner : OMRE TAHA

The undersigned object to the height of the building on
SUBJECT : 279 BONAVENTURE DRIVE 279 BONAVENTURE DRIVE

HAMILTION ONTARIO L9C 7B2

Name:	Address & Postal Code	Signature & phone#
Lao LE	5 Colgate crt L9C 9Z6	905-921-2544
SE Pham	15 Colgate crt L9C 9Z6	905-929-0025
Cue LE	15 Colgate crt L9C 9Z6	905-921-2544
Phu Huynh	5 Colgate crt L9C 9Z6	
Lucia widow	17 Colgate Court	
Andreas Spadofora	209-788-1814 L9C 6Z6	Andreas Spadofora (visits grandmother 20 Colgate Ct)
Ida Spadofora	29 Colgate	905-388-0557
Yvonne Kwon	25 Colgate Court	905-869-5425
Ryan Rebelo	318 Rymal Road West (visits grandmother daily) 29 Colgate Ct	905-923-2661
Joe + Louise Spina	36 Colgate crt Mrs Spina	905-575-1132
Robert Amodeo	24 Colgate Crt	905-921-2538
Joe Raposo	16 COLGATE CRT	905-383-0902
Nellie Raposo	16 Colgate Crt.	905-383-0902
KLAUS ECKHARDT	10 COLGATE CRT.	905-388-7094

From: [Craig andrecyk](#)
To: [Committee of adjustment](#)
Cc: [Atchison, Chris](#); [Craig andrecyk](#)
Subject: APPLICATION NO HM/A 23:338 279 BONAVENTURE DRIVE HAMILTON
Date: Saturday, February 3, 2024 3:22:11 PM

I am writing to you today to express my displeasure that this monstrosity is being allowed to be built. Please all of you that is reading this today. take a look at the picture in front of you. imagine this in your neighbour hood, or your parents or kids. This owner has already shown his true colors of not following the rules. So was the owner before him. We are sick of this. Where are the 2, 3 or 4 families going to park? Where does the garbage go? The house already is an eye sore our property values have plummeted. Do you want to live beside this? We already have a massive affordable housing complex across the street that takes up all the parking. This owner keeps building even threw the stop work order. So he does not care about you us or the rules which will continue after he builds it.

I pay over 4000 in property taxes are you willing to reduce this amount to reflect basically the price decrease this one man has caused me and my neighbours. Just before I sat down to type this Saturday at 3:00p.m I walk over there somebody is clearly working in there at this moment.

Look at the design it is a complex no front door no front windows. it is just going to pack the people in. Please please please make him follow the rules and tear down at least one story.

thank you for taking your time today to read my concerns.

Craig Andrecyk 265 Bonaventure drive. if you can leave my name out much appreciated.

From: [Ted Brearley](#)
To: [Committee of adjustment](#)
Subject: File HM/A23:338
Date: Friday, February 2, 2024 1:14:57 PM

File HM/A-23:338

I am curious to know how this monstrosity can even be built. This is not a residence any more it is a small apartment building. I live around the corner and have put up with construction and blocked roads for years while there have been several construction projects at this address that do not meet zoning and or Building Code rules. The apartment building does not fit the neighborhood. Does not have adequate parking if any, there is not even adequate street parking for an Apartment building of this size. All the houses around it will lose all privacy and sunlight while it towers over them. A two Story Maybe, with parking.

Zoning Bylaws and Building codes are in place to protect our neighborhoods and safety. I can understand the need for a Minor Variance for a bigger shed or garage. I do understand we are allowed thanks to our PC government 3 units in a residential building. But when you take away all the sun and privacy from the neighbors that's wrong. I do not believe this is even close to minor, this is several Zoning violations and far from minor. Where do we stop if we allow something like the.

What are the zoning issues and how do we stop this type of thing from taking over the neighborhood.

Please call or text as needed, Thank you.

Ted Brearley
153 Clifton Downs Rd
905-635-4075

Sent from [Mail](#) for Windows

Comments for Public Hearing, February 13, 2024

Application No: HM/A-23:338

Subject Property: 279 Bonaventure Drive, Hamilton

To whom it may concern:

We are not in favour of any exceptions or changes to the current zoning regulations.

It is our expressed opinion as long term residents of this neighbourhood, that this apartment building is severely out of character and would prove a detriment to the neighbourhood and will negatively impact the resale value of all the homes in the area. We feel strongly that construction should not be allowed to continue and the owner should submit a new plan for a structure more in character with this neighbourhood. We are appalled by the owners' flagrant disregard of laws and regulations and we question the quality of any structure this owner would build. We would strongly urge the city to be vigilant in their inspections of any structure built on this site.

We also want to say the following:

1. The owner lists the property as a single family dwelling with a possible second unit. That is blatantly false, if not an outright lie. This building is a four level apartment building. Basement plus three floors. In addition, putting a pitched roof on this building, rather than a standard flat roof, does not disguise this apartment building as a single family dwelling.
2. The foundation of the building is several feet higher than the foundations of the adjacent homes. When you add three stories on top of that it makes a tower over the neighbouring single storey homes.
3. The city issued a stop work order on December 6, 2023, as it is our understanding the owner did not have any permits. The owner disregarded the order and continued to build daily during December 2023, January and to date February 2024.
4. As this is a potential 4 unit apartment building, there is a possibility of at least 6-8 cars being added to an already much stressed parking and traffic area.

Thank you for your consideration regarding these issues.

Heather & Paul Potter

hpotter6896@gmail.com 905-549-6896



Hamilton

AN/A-23:344 – 1-1261 Mohawk Road, Ancaster

Recommendation:

Development Planning - Approve

Proposed Conditions:

N/A

Proposed Notes:

N/A



Hamilton

Development Planning:

Background

To permit the construction of a new deck attached to the existing single detached dwelling.

Analysis

Greenbelt Plan

The subject lands are identified as “Urban Area” under the Greenbelt Plan. Per Section 2.2 of the Greenbelt Plan, lands within the Niagara Escarpment Plan Area are subject to the requirements of the Niagara Escarpment Plan and the Protected Countryside policies do not apply.

Niagara Escarpment Plan

The subject lands are designated “Urban Area” under the Niagara Escarpment Plan. Per Sections 1.7.4 and 2.2, accessory uses of a single detached dwelling are permitted uses.

Urban Hamilton Official Plan

The subject lands are designated as “Neighbourhoods” in Schedule E-1 - Urban Land Use Designations under the Urban Hamilton Official Plan and are identified as “Neighbourhoods” in Schedule E – Urban Structure of the Urban Hamilton Official Plan. Policies found in Section E.3.2.4, amongst others, are applicable. Decks are permitted within the Neighbourhoods designation.

Archeology

No comment.

Cultural Heritage

No comment.

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

The subject lands are zoned Residential “R4-666” Zone, Modified in Former Town of Ancaster Zoning By-law No. 87-57. The proposed deck is permitted.

Variance 1

STAFF COMMENTS**HEARING DATE: February 13, 2024**

Hamilton

1. A minimum rear yard setback of 5.0 metres to a deck over 1.2 metres in height and over 15 square metres in size shall be permitted whereas the By-law requires a minimum rear yard setback of 6.0 metres.

The intent of this provision is to ensure privacy issues do not arise from overlook into neighbouring properties. Staff note that there is a drop in grade on the subject property towards the northwest corner of the property.

Potential privacy concerns arising from the reduced rear yard setback are mitigated by the presence of a mature trees between the subject property and the abutting rear yard of 22 Honeysuckle Crescent, located to the west of the property. Therefore, staff are of the opinion that the requested variance maintains the intent of the Official Plan and Zoning By-law, is desirable for the proposed development and is minor in nature.

Staff are of the opinion that the variance meets the four tests of a minor variance. Based on the foregoing, **staff support the variance.**

Zoning:

Recommendation:	Comments & Conditions / Notes
Comments:	Please be advised that a portion of this property is under Conservation Management. Please contact the Hamilton Conservation Authority at 905-525-2181 for further information.

Development Engineering:

Recommendation:	Approve
Proposed Conditions:	N/A
Comments:	The proposed 5.0 m rear yard setback for construction of a deck within the useable rear yard amenity space poses no concern to Development Engineering staff. Therefore, we have no objection to the proposed minor variance.

Transportation Planning:

Recommendation:	Approve
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Building Engineering:

Recommendation:	Comments Only
Notes:	A building permit is required for the construction of the proposed rear deck. Order to Comply 21 114144, dated March 19, 2021 remains outstanding.

STAFF COMMENTS

HEARING DATE: February 13, 2024

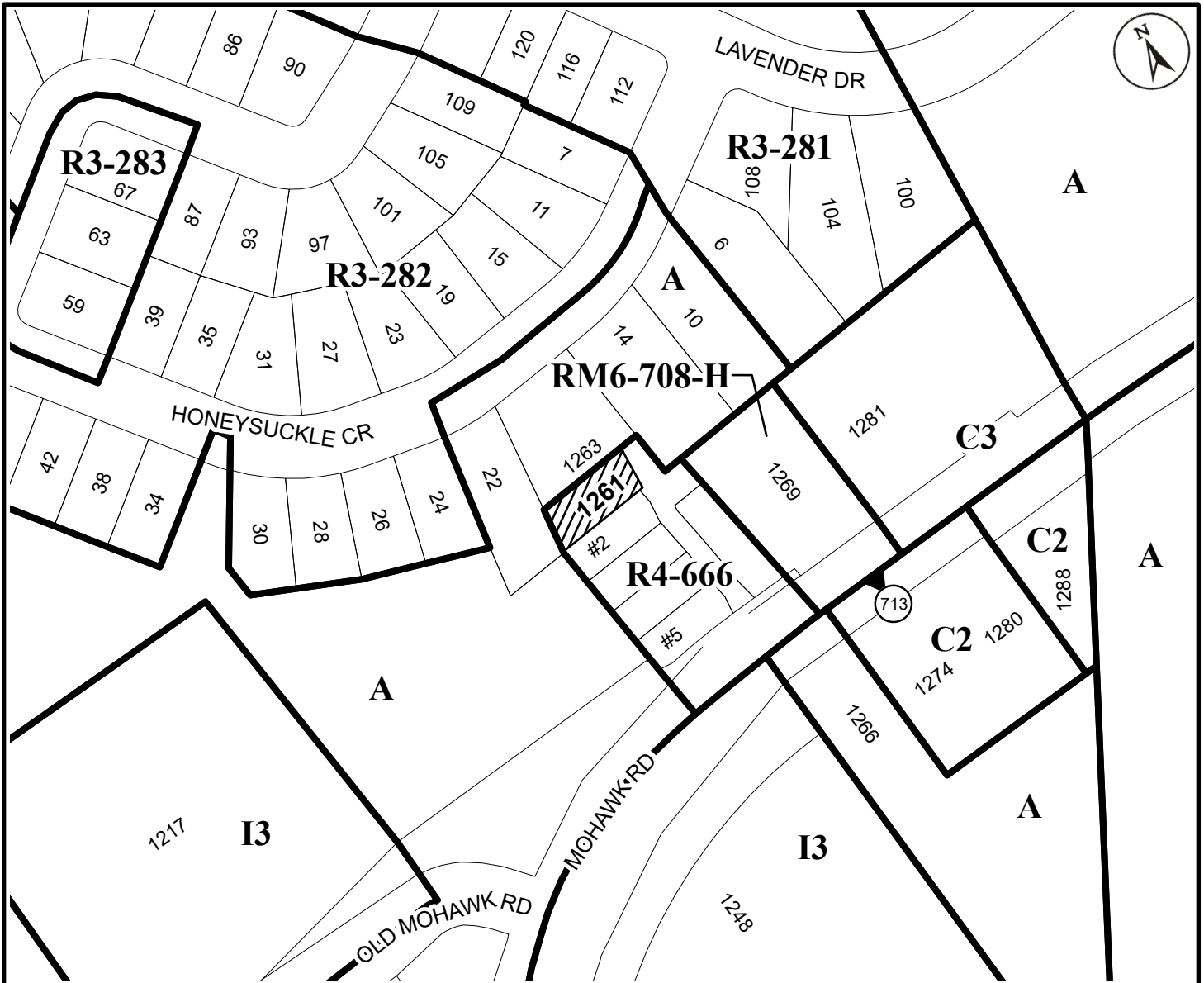


Hamilton

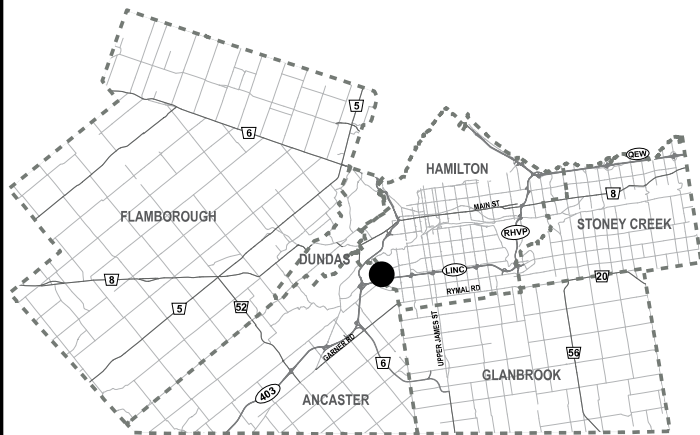
Legislative Approvals:

Recommendation:	No comments.
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Please Note: Public comment will be posted separately, if applicable.



● Site Location



City of Hamilton

Committee of Adjustment

Subject Property



1 - 1261 Mohawk Road, Ancaster
(Ward 14)

File Name/Number:

ANA-23:344

Date:

January 29, 2024

Technician:

AL

Map Not To Scale

Appendix "A"



Hamilton

From: [Jeff Tweedle](#)
To: [Committee of adjustment](#)
Cc: steve.fraser@ajclarke.com
Subject: February 13, 2024 - CoA - HCA Comments for AN/A-23:344 for 1261 Mohawk Road Unit 1, Ancaster
Date: Friday, February 9, 2024 9:49:33 AM
Attachments: [image002.png](#)

Good morning,

The Hamilton Conservation Authority (HCA) has reviewed the Committee of Adjustment Agenda for February 13, 2024 in accordance with HCA's responsibilities under the *Conservation Authorities Act* relating to provincial interests for natural hazards and offer the following comments for AN/A-23:344 for 1261 Mohawk Road Unit 1, Ancaster. HCA has cc'd the applicant's agent on this email for their information.

AN/A-23:344 – 1261 Mohawk Road Unit 1, Ancaster

The subject property is approximately 0.05 ha (0.11 ac) in size and located within the Chedoke Creek watershed which drains to Cootes Paradise and eventually Hamilton Harbour. A reach of Chedoke Creek traverses the HCA owned lands to the west of the subject site.

The requested minor variance is intended to recognize the elevated deck attached to the rear of the existing dwelling. It is HCA's understanding that this deck has been constructed and is currently in place and no additional modifications have been proposed for the deck as part of the minor variance application. HCA staff previously reviewed the plans for the constructed deck and advised Gillian Roberts, Plans Examiner by email on June 21, 2021 that the deck did not require HCA approval. However, it was requested that the as-built grading plan required by the City's Growth Management Division be provided to HCA for our records. Based on a review of HCA's records it does not appear this information was provided. HCA would request a copy of the as-built grading plan be provided to HCA by the City's Growth Management Division.

HCA staff do not have any concerns regarding the requested minor variance. HCA does not object to the granting of the requested minor variance or building permit by the municipality.

The property is partially regulated by HCA pursuant to *Ontario Regulation 161/06* (HCA's Regulation of Development, Interference with Wetlands and Alterations to Shorelines and Watercourses) made under the *Conservation Authorities Act, R.S.O. 1990*. The regulated area is associated with the erosion hazards produced by Chedoke Creek. Written permission from HCA may be required for any future construction, site alteration, or grading completed within the regulated portion of the subject site.

Please contact the undersigned if there are any questions regarding the provided comments.

There will be no fee for HCA's review of this application.

Regards,

Jeff Tweedle

Conservation Planner
Hamilton Conservation Authority
838 Mineral Springs Road, P.O. Box 81067
Ancaster, ON L9G 4X1

Phone: 905-525-2181 Ext. 164

Email: jtweedle@conservationhamilton.ca

www.conservationhamilton.ca



A Healthy Watershed for Everyone

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Hamilton

FL/A-24:01 – 23 Gardenbrook Trail, Flamborough

Recommendation:

Development Planning - Approve

Proposed Conditions:

1. That the approval of Minor Variance Application FL/A-24:01 shall be in keeping with the submitted proposed site plan titled "Site Plan" dated December 28, 2023. Including the location of the proposed deck and the purpose of the proposed deck as the primary entrance for the proposed Secondary Dwelling Unit, to the satisfaction of the Director of Development Planning.

Proposed Notes:

N/A



Hamilton

Development Planning:

Background

To permit an Entrance Deck to a proposed Secondary Dwelling Unit within the side yard of an existing Single Detached Dwelling.

Analysis

Greenbelt Plan

The subject lands are identified as “Protected Countryside” under the Greenbelt Plan. Per Section 2.2 of the Greenbelt Plan, lands within the Niagara Escarpment Plan Area are subject to the requirements of the Niagara Escarpment Plan and the Protected Countryside policies do not apply.

Niagara Escarpment Plan

The subject lands are designated “Urban Area” under the Niagara Escarpment Plan. Per Sections 1.7.4 and 2.2.11, a secondary dwelling unit is a permitted use within the “Urban Area” designation.

Urban Hamilton Official Plan

The subject lands are designated as “Neighbourhoods” in Schedule E-1 - Urban Land Use Designations under the Urban Hamilton Official Plan and are identified as “Neighbourhoods” in Schedule E – Urban Structure of the Urban Hamilton Official Plan. Policies found in E.3.2.3, amongst others, are applicable. The proposed secondary dwelling unit is permitted.

Waterdown South Secondary Plan

The subject lands are designated as “Low Density Residential 1” and are further identified as within “Area Specific Policy C” in Map B.4.3-1 – Land Use Plan of the Waterdown South Secondary Plan. Per Policy 4.3.3.4 of the Waterdown South Secondary Plan, a secondary dwelling unit is a permitted use.

Archeology

No comment.

Cultural Heritage

No comment.



Hamilton

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

The subject lands are zoned Urban Residential (Single Detached) (R1-64) Zone, Modified under Former Town of Flamborough Zoning By-law No. 90-145-Z. Secondary dwelling units are a permitted use.

VariANCES 1 and 2

1. A deck shall be provided within a required interior side yard whereas the By-law does not permit a deck in any required front yard or in any required exterior side yard, or in any required interior side yard.
2. An accessory building or structure shall be located within 0.8 metres of an interior side lot line whereas the By-law requires that an accessory building or structure shall be located within 1.0 metre of an interior side lot line.

The intent of these provisions is to ensure sufficient space is provided between the interior side lot line of the property and any accessory structure and to ensure this space remains unobstructed for access and maintenance purposes. Staff defer any grading or drainage concerns to Development Engineering.

Staff note that the proposed deck is to serve as a separate entrance for a secondary dwelling unit. Staff also note that while the proposed entrance deck would have a setback of approximately 0.8 metres from the southerly side lot line, a setback of approximately 1.5 metres would be maintained from the existing dwelling to the northerly side lot line.

The proposed location of the deck does reduce the available space for access and maintenance purposes. Staff recommend that a condition be applied to ensure that the development of the site occurs as illustrated on the site plan submitted with the application. Therefore, the requested variances maintain the intent of the Zoning By-law and are minor in nature.

Staff are of the opinion that variances 1 and 2 meet the four tests of a minor variance. Based on the foregoing, **staff support the variances subject to the implementation of the recommended condition.**

Zoning:

Recommendation:	Comments Only
Comments:	<ol style="list-style-type: none"> 1. Please note, previous comments made as they pertain to required parking for a Secondary Dwelling Unit, have been made in error. Be advised, a building permit to construct the Single Detached Dwelling was issued on March 1, 2022. As such, the date for no parking

STAFF COMMENTS**HEARING DATE: February 13, 2024**

Hamilton

	<p>spaces to be required for a Secondary Dwelling Unit, provided the existing parking spaces are maintained, is May 12, 2021. The previous comment relating to no parking being required for the proposed Secondary Dwelling Unit shall be redacted and furthermore the applicant should note that one parking space shall be required for the proposed Secondary Dwelling Unit. A total of two parking spaces are required, one for the Single Detached Dwelling and one for the Secondary Dwelling Unit.</p> <p>Be advised that parking as shown does not comply with manoeuvring requirements for parking spaces as tandem parking is not permitted. As per the above comment, only two spaces are required for the proposed use(s). Should the parking spaces remain as shown on the Site Plan, additional variances may be required.</p> <ol style="list-style-type: none"> 2. Insufficient information has been provided to determine overall density for lands Zoned R1-64 under Zoning By-Law Amendment 20-120. Should the addition of a Secondary Dwelling Unit within the Existing Single Detached Dwelling increase the overall density in excess of the permitted 40 Units Per Net Residential Hectare for lands zoned as "R1-64", additional variances may be required. 3. The City of Hamilton is continuing to develop Hamilton Zoning By-law 05-200 which encompasses the former City of Hamilton and the five (5) outlining municipalities. Please be advised that the next phase is the Residential Zones Project which will include Low Density Residential Zones. The subject property may be impacted by upcoming changes scheduled to be heard at the Planning Committee meeting of February 23, 2024.
--	--

Development Engineering:

Recommendation:	Approve
Proposed Conditions:	N/A
Comments:	Provided the existing drainage pattern is maintained, Development Engineering has no objection to the proposed minor variances.

Transportation Planning:

Recommendation:	Approve
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STAFF COMMENTS**HEARING DATE: February 13, 2024**

Hamilton

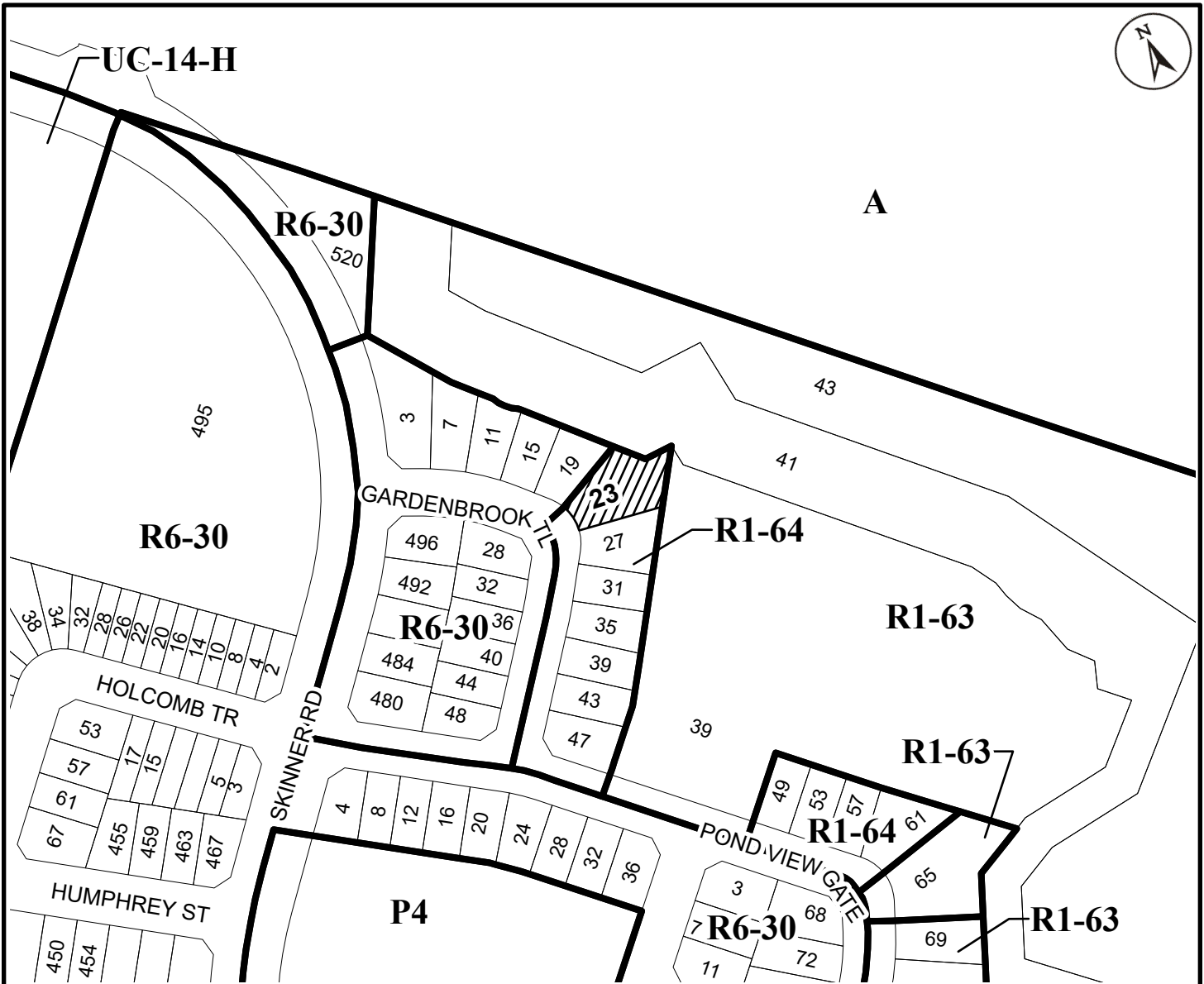
Building Engineering:

Recommendation:	Comments Only
Notes:	A building permit is required for the construction of the proposed entrance deck.

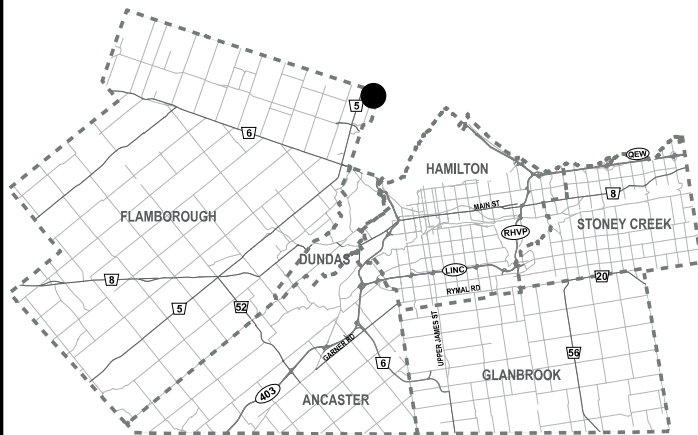
Legislative Approvals:

Recommendation:	No comments.
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Please Note: Public comment will be posted separately, if applicable.



● Site Location



City of Hamilton

Committee of Adjustment

Subject Property



23 Gardenbrook Trail, Flamborough (Ward 15)

File Name/Number:
FL/A-24:01

Date:
January 29, 2024

Technician:
AL

Map Not To Scale

Appendix "A"



Hamilton



Hamilton

GL/B-23:93 – 3530 Upper James Street, Glanbrook

Recommendation:

Development Planning - Table

Proposed Conditions:

1. The owner shall submit a deposited Ontario Land Surveyor's Reference Plan to the Committee of Adjustment Office, unless exempted by the Land Registrar. The reference plan must be submitted in pdf and also submitted in CAD format, drawn at true scale and location and tied to the City corporate coordinate system. (Committee of Adjustment Section)
2. The owner shall pay any outstanding realty taxes and/or all other charges owing to the City Treasurer. (Committee of Adjustment Section)
3. The owner submits to the Committee of Adjustment office an administration fee, payable to the City of Hamilton, to cover the costs of setting up a new tax account for each newly created lot. (Committee of Adjustment Section)
4. That the Owner must provide separate independent sewer and water services to the severed and retained parcel to the satisfaction of the City's Director of Development Engineering.
5. That the Owner provide a cash payment for the future urbanization of Upper James Street based on the "New Roads Servicing Rate" at the time of payment to the satisfaction of the Director of Development Engineering.
6. The existing right-of-way at along White Church Road ranges approximately 20.0 metres to 25.4 metres.

Approximately 5.0 metres are to be dedicated to the right-of-way on White Church Road to bring the property line up to 25.4 metres, as per the Council Approved Rural Official Plan: Schedule C-1 - Future Right-of-Way Dedications. White Church 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) (To the satisfaction of the Manager of Transportation Planning).

Proposed Notes:

The lands to be retained (Lot 1) will remain as 3530 Upper James Street (Glanbrook).

STAFF COMMENTS

HEARING DATE: February 13, 2024



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The lands to be severed (Lot 2) will be assigned the address of 9048 White Church Road West (Glanbrook).

We ask 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.



Hamilton

Development Planning:

Background

The purpose of this application is to sever the existing vacant lot into two parcels. The severed lands are proposed for future vacant residential development and the retained lands will be a vacant commercial building lot.

	Frontage	Depth	Area
SEVERED LANDS:	56.90 m [±]	126.59 m [±]	1.35 ha [±]
RETAINED LANDS:	75.14 m [±]	126.59 m [±]	1.05 ha [±]

Background:

On November 23, 2023, Site Plan Control application DA-23-062 was conditionally approved to develop a one storey drive-through restaurant on the subject lands with a ground floor area of 414.0 square metres, and a two storey commercial plaza at the intersection of Upper James Street and White Church Road West, with 1,912.0 square metres of at grade retail space and 416.66 square metres of office space on the second storey. The development will occur in two phases.

Urban Hamilton Official Plan:

The retained lands are identified as “Neighbourhoods” on Schedule E – Urban Structure and designated “District Commercial” on Schedule E-1 – Urban Land Use Designations in the Urban Hamilton Official Plan and designated “District Commercial” on Map B.5.4-1 of the Mount Hope Secondary Plan.

The severed lands are identified as “Neighbourhoods” on Schedule E – Urban Structure and designated “Neighbourhoods” on Schedule E-1 – Urban Land Use Designations in the Urban Hamilton Official Plan and designated “Institutional” on Map B.5.4-1 of the Mount Hope Secondary Plan.

The following policies, amongst others, are applicable:

F.1.14.3 Lot Creation – Urban Area Neighbourhoods Designation

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:

STAFF COMMENTS**HEARING DATE: February 13, 2024**

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- 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.”

Policy B.3.6.3.7 of the Urban Hamilton Official Plan requires that a noise feasibility study, or detailed noise study, or both, shall be submitted as determined by the City prior to or at the time of application submission, for development of residential or other noise sensitive land uses on lands within 400 metres of a major arterial road, as identified on Schedule C – Functional Road Classification. Upper James Street and White Church Road East area is identified as Major Arterial Roads. Accordingly, a Noise Study is required and is recommended to be included as a condition of approval.

Archeology:

The subject property meets three of the ten criteria used by the City of Hamilton and Ministry of Citizenship and Multiculturalism 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/this criterion define/s the property as having archaeological potential. Accordingly, Section 2 (d) of the Planning Act and Section 2.6.2 of the Provincial Policy Statement apply to the subject application.

As part of previous application (DA-23-062), A Stage 1-2 (P1078-0096-2020/P1078-0100-2020) and Stage 3 archaeological report (P1106-0009-2021) has been submitted to the City of Hamilton and the Ministry of Citizenship and Multiculturalism. While the Provincial interest has yet to be signed off by the Ministry, Staff concur with the recommendations made in the report, and the archaeology condition for the subject application has been met to the satisfaction of municipal heritage planning

STAFF COMMENTS**HEARING DATE: February 13, 2024**

Hamilton

staff. **Staff request a copy of the letters for the Stage 1-2 and Stage 3 Reports from the Ministry when available.**

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

The retained lands are within the District Commercial (C6) zone, which permits the proposed commercial use. The proposed front lot line and the flankage lot line do not conform to the C6 Zone.

The severed lands are within the Deferred Development “DD” Zone, which permits agricultural uses and prior existing dwellings. Secondary Plan Amendment and Zoning By-law Amendment applications are required to facilitate residential development on the severed lands. Staff are not opposed to the creation of the severed lot as the proposed lot boundaries conform with the Mount Hope Secondary Plan and Zoning By-law boundaries, where development may proceed through future *Planning Act* applications.

Analysis

As per the Urban Hamilton Official Plan, F.1.14.3.1.c), the lots should be in conformity with the Zoning By-law, or a minor variance must be approved. There are zoning deficiencies for the front lot line and the flankage lot line on the retained lands. The applicant has recently submitted a Minor Variance application for the next available Committee of Adjustment Hearing. Staff recommend this application be tabled until the Minor Variance can also be assessed.

Zoning:

Recommendation:	Comments and Conditions / Notes
Comments:	<ul style="list-style-type: none"> - The lands being retained are currently zoned ‘C6’ of Hamilton Zoning By-law 05-200 and the lands being severed are currently zoned ‘DD’ of Glanbrook Zoning By-law 464. - The owner/applicant should obtain an appropriate municipal address for the proposed parcel(s) from the Legislated Approvals and Staging of Development Section of the Planning and Economic Development Department prior to the issuance of a building permit. - These lands are subject to Site Plan Control Application.

Development Engineering:

Recommendation:	Approve with Conditions
Proposed Conditions:	1. That the Owner must provide separate independent sewer and water services to the severed and retained parcel to the satisfaction of the City’s Director of Development Engineering.

STAFF COMMENTS**HEARING DATE: February 13, 2024**

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	2. That the Owner provide a cash payment for the future urbanization of Upper James Street based on the “New Roads Servicing Rate” at the time of payment to the satisfaction of the Director of Development Engineering.
Comments:	<ul style="list-style-type: none"> Detailed grading and servicing review, comments and conditions will be provided under active site plan application DA-23-062. The proponent will be required to provide separate independent sewer and water services to the severed and retained parcels as specified under the new municipal sewer-use by-law 23-234.

Transportation Planning:

Recommendation:	Approve with Conditions
Proposed Conditions:	<p>The existing right-of-way at along White Church Road ranges approximately 20.0 metres to 25.4 metres.</p> <p>Approximately 5.0 metres are to be dedicated to the right-of-way on White Church Road to bring the property line up to 25.4 metres, as per the Council Approved Rural Official Plan: Schedule C-1 - Future Right-of-Way Dedications. White Church Road is to be 30.480 metres.</p> <p>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) (To the satisfaction of the Manager of Transportation Planning).</p>

Building Engineering:

Recommendation:	No comment.
Notes:	This Division has no concerns with the proposed application.

Forestry and Horticulture:

Recommendation:	Approve
Comments:	<p>There are municipal tree assets on site. Forestry will have conditions deferred to site plan application DA-23-062</p> <p>No public tree permit is required.</p> <p>No Landscape plan required</p>
Notes:	<p>Prior to a person performing any work on, in or around a public tree an application for a permit shall be submitted to Forestry. Email urbanforest@hamilton.ca for questions or public tree permit application.</p>

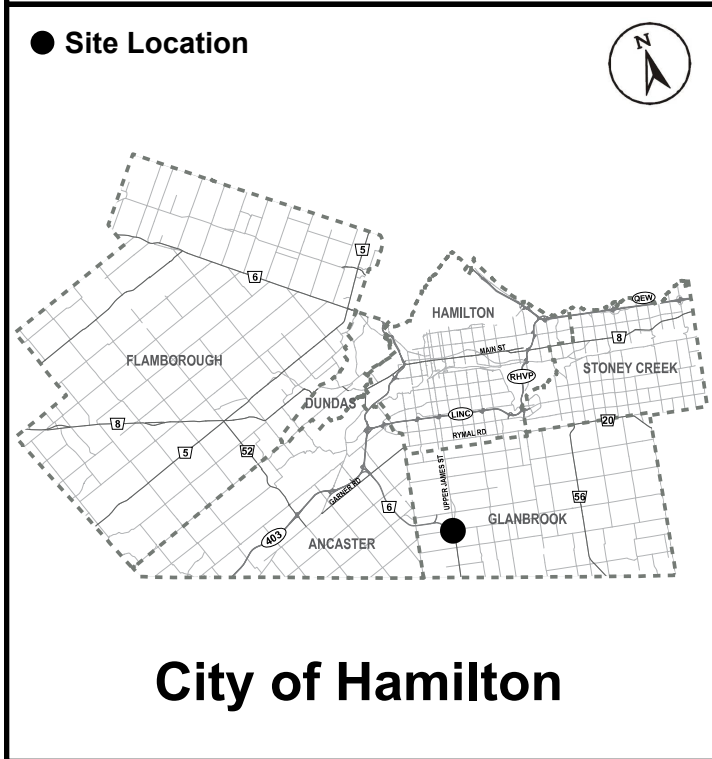
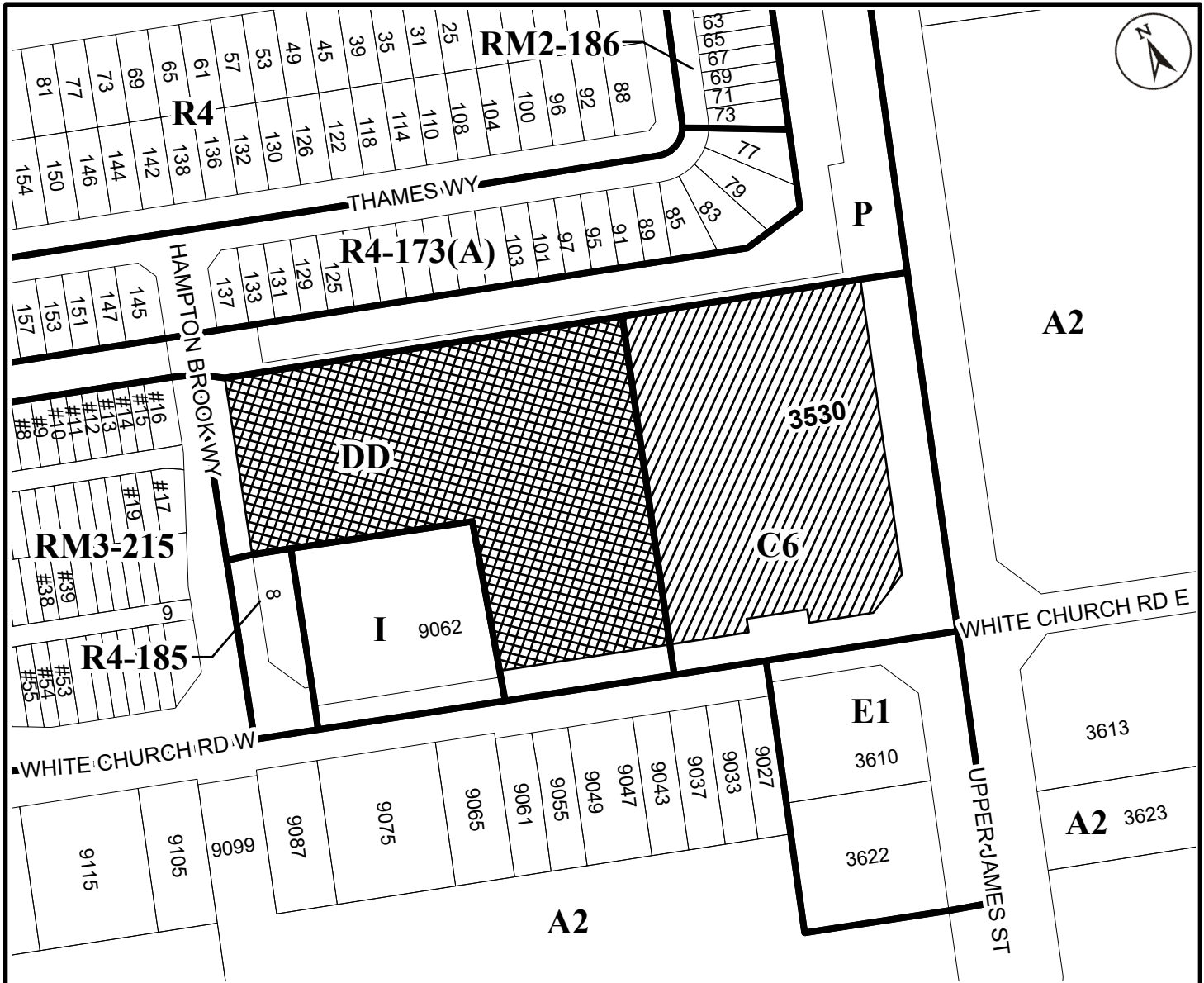
STAFF COMMENTS**HEARING DATE: February 13, 2024**

Hamilton

Legislative Approvals:


Recommendation	Comments Only
Comments:	<p>The lands to be retained (Lot 1) will remain as 3530 Upper James Street (Glanbrook).</p> <p>The lands to be severed (Lot 2) will be assigned the address of 9048 White Church Road West (Glanbrook).</p>
Notes:	<p>We ask 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.</p>


Please Note: Public comment will be posted separately, if applicable.




Committee of Adjustment

Subject Property
 3530 Upper James Street, Glanbrook
 (Ward 11)

 Lands to be Retained

 Lands to be Severed

PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT

File Name/Number: GL/B-23:93
Date: February 1, 2024
Technician: AL
Map Not To Scale
Appendix "A"
 Hamilton

From: [Christina VanLuven](#)
To: [Committee of adjustment](#)
Subject: Concerns Re: GL/B-23:93 3530 Upper James St, Glanbrook (Ward 11)
Date: Friday, February 9, 2024 11:54:23 AM

Dear Committee of Adjustment,

We are residents of White Church Rd W where there has been an application to sever an existing lot into 2 parcels; one for a residential development, the other a commercial building lot.

An application was conditionally approved to develop a drive-thru McDonald's, a global conglomerate as well as a 2 story commercial plaza.

A "minor variance" has been requested which speaks to the reconfiguration/placement of the secondary driveway onto White Church Rd, a residential neighbourhood.

The new placement of the entrance would allow excess traffic from three directions; West as well as East on White Church Rd and South from Upper James.

Some concerns as follows;

- loss of privacy
- increase in traffic
- increase in noise

We will collectively provide questions for the meeting Tuesday, February 13th at 14:40.

Thanks so much for your time and consideration.

Kind Regards,

Neil Avila
Christina Van Luven



Hamilton

GL/A-23:343 – 3352 Homestead Drive, Glanbrook

Recommendation:

Development Planning - Table

Proposed Conditions:

N/A

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

Assessment and Stage 4 Mitigation of Development Impacts may be required as determined by the Ontario Ministry of Citizenship and Multiculturalism (MCM). All archaeological reports shall be submitted to the City of Hamilton for approval concurrent with their submission to the MCM.

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



Hamilton

Development Planning:

Background

The purpose of this application is to permit a Secondary Dwelling Unit above a proposed Garage of an existing Single Detached Dwelling notwithstanding that:

1. A minimum 3.0 metre exterior side yard setback shall be provided to a Secondary Dwelling Unit above an attached garage instead of the required 6.0 metre setback to an exterior side yard.
2. Parking shall be provided within the minimum required side yard instead of the requirement that no part of the required minimum exterior side yard of a corner lot abutting a public street is to be used for the temporary parking or storage of any motor vehicle.

Archeology:

The subject property meets four of the ten criteria used by the City of Hamilton and Ministry of Citizenship and Multiculturalism for determining archaeological potential:

- 1) Within 250 metres of known archaeological sites;
- 2) Within 300 metres of a primary watercourse or permanent waterbody, 200 metres of a secondary watercourse or seasonal waterbody, or 300 metres of a prehistoric watercourse or permanent waterbody;
- 3) In areas of pioneer Euro-Canadian 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 granted, the City does not require an archaeological assessment, but the proponent must be advised in writing 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 Citizenship and Multiculturalism (MCM) should be notified immediately (416-212-8886). In the event that human remains are encountered during construction, the proponent should immediately contact both MCM and the Registrar or Deputy Registrar of the Cemeteries Regulation Unit of the Ministry of Government and Consumer Services (416-212-7499).”

Assessment and Stage 4 Mitigation of Development Impacts may be required as determined by the Ontario Ministry of Citizenship and Multiculturalism (MCM). All archaeological reports shall be submitted to the City of Hamilton for approval concurrent with their submission to the MCM.

STAFF COMMENTS**HEARING DATE: February 13, 2024**

Hamilton

Should deeply buried archaeological materials be found on the property during any of the above development activities the MCM should be notified immediately (416-212-8886). In the event that human remains are encountered during construction, the proponent should immediately contact both MCM 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 identified as "Neighbourhoods" on Schedule E – Urban Structure and designated "Neighbourhoods" on Schedule E-1 – Urban Land Use Designations in the Urban Hamilton Official Plan (UHOP).

Former Township of Glanbrook Zoning By-law No. 464:

The subject lands are zoned Existing Residential "ER" District, which permits a single detached dwelling and Secondary Dwelling Unit (SDU).

Analysis

The applicant is proposing a minimum 3.0 metre exterior side yard setback be provided to a Secondary Dwelling Unit above an attached garage instead of the required 6.0 metre setback to an exterior side yard. There is an existing detached garage (to be demolished), which is closer to the exterior side yard. Staff do not foresee any challenges of the proposed Secondary Dwelling Unit above the proposed attached garage being setback 3.0 metres from the exterior side yard.

The applicant is also proposing three parking spaces to be provided within the minimum required side yard instead of the requirement that no part of the required minimum exterior side yard of a corner lot abutting a public street is to be used for the temporary parking or storage of any motor vehicle. The requirement to provide parking within the side yard is not a result of the proposed Secondary Dwelling Unit. Staff do not foresee any negative impacts of parking within side yard of the existing driveway accessing Homestead Drive.

The cause for concern is the existing second driveway with access to Strathearne Place. Staff are of the opinion that there should be no access to the property on Strathearne Place as the driveway will no longer be large enough to accommodate any parking spaces and does not directly have access to the proposed garage doors. Removal of this access will ensure that the exterior side yard will not be used for access or parking vehicles while retaining pedestrian access to the rear yards. Staff recommend this application **to be tabled** until the appropriate changes are made to the site plan.

Zoning:

Recommendation:	Comments Only
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STAFF COMMENTS**HEARING DATE: February 13, 2024**

Hamilton

Comments:	<ol style="list-style-type: none"> 1. Additional variances may be required if the third parking space, indicated to be in tandem with parking space one and two, does not maintain unobstructed access to a street line. Furthermore, additional variances may be required for any eaves, gutters or similar architectural overhangs that exceed the projections permitted under Section 7.26 a) of Glanbrook Zoning By-Law 464. 2. Variance #1 should be altered to delete the wording “3.0 metre” and replaced with “6.0 metre” so that the variance reads as follows: “A minimum 3.0 metre exterior side yard setback shall be provided to a Secondary Dwelling Unit above an attached garage instead of the required 6.0 metre setback to an exterior side yard;” 3. The City of Hamilton is continuing to develop Hamilton Zoning By-law 05-200 which encompasses the former City of Hamilton and the five (5) outlining municipalities. Please be advised that the next phase is the Residential Zones Project which will include Low Density Residential Zones. The subject property may be impacted by upcoming changes scheduled to be heard at the Planning Committee meeting of February 23, 2024.
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Development Engineering:

Recommendation:	Approve
Proposed Conditions:	N/A
Comments:	Provided the existing drainage pattern is maintained with a suitable outlet, Development Engineering has no objections to the proposed minor variances.

Transportation Planning:

Recommendation:	Approve
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Building Engineering:

Recommendation:	Comments Only
Notes:	A building permit is required for the construction of the proposed secondary dwelling unit.

STAFF COMMENTS

HEARING DATE: February 13, 2024



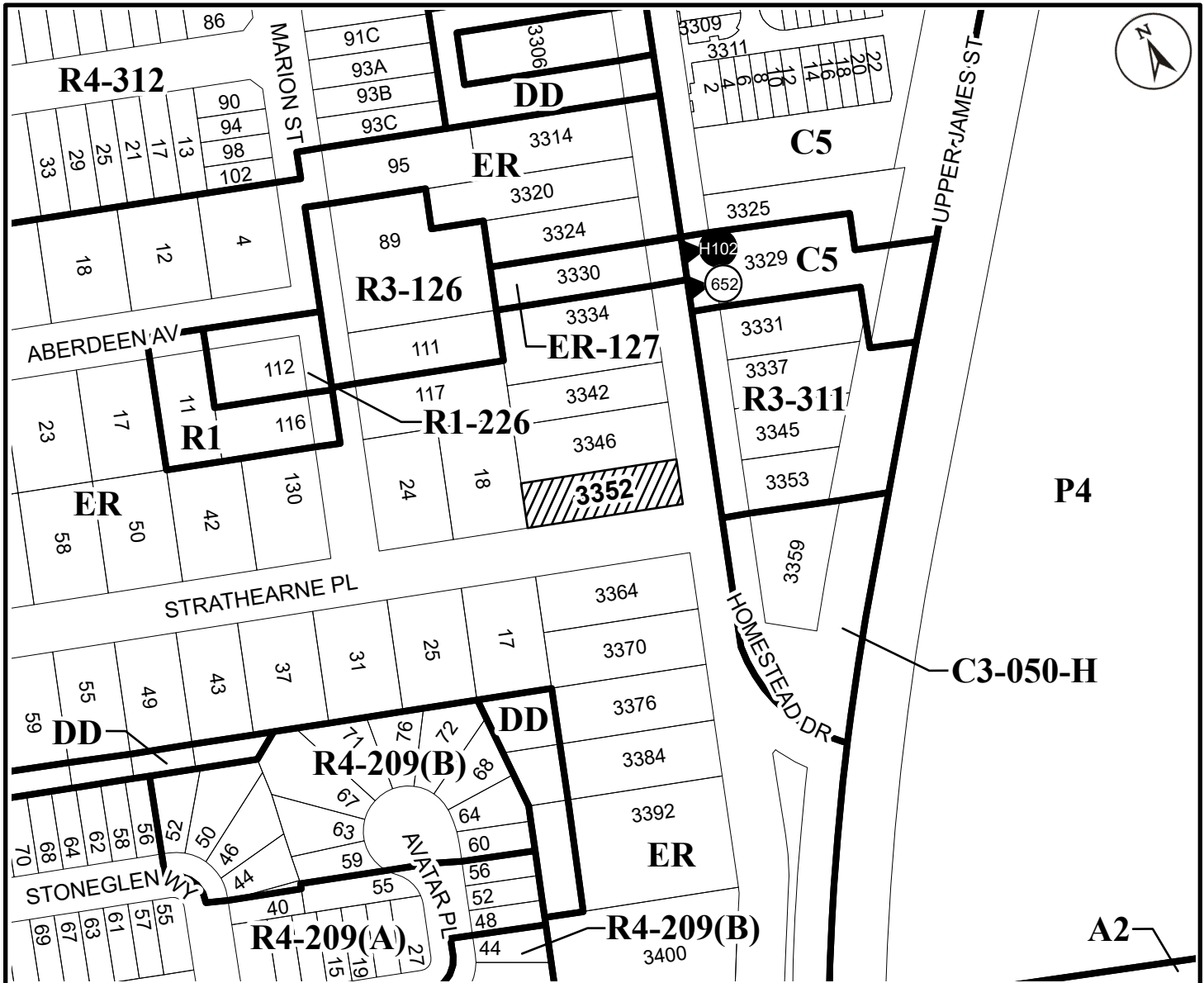
Hamilton

	Be advised that Ontario Building Code regulations may require specific setback and construction types.
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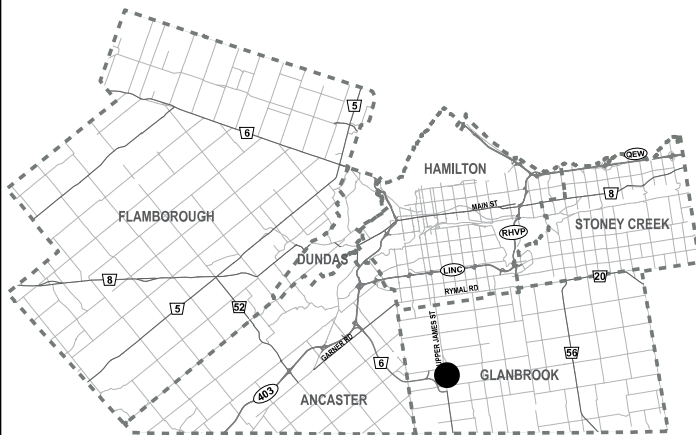
Legislative Approvals:

Recommendation:	No comments.
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Please Note: Public comment will be posted separately, if applicable.



● Site Location



City of Hamilton

Committee of Adjustment

Subject Property



3352 Homestead Driv, Glanbrook (Ward 11)

File Name/Number:

GL/A-23:343

Date:

January 29, 2024

Technician:

AL

Map Not To Scale

Appendix "A"



Hamilton



Hamilton

SC/B-23:91 – 486 Glover Road, Stoney Creek

Recommendation:

Development Planning - The requested consent application, subject to the recommended condition, conforms to the policies of the Urban Hamilton Official Plan, in particular the lot creation policies of Section F.1.14.3.1, and has sufficient regard for matters under subsection 51 (24) of the *Planning Act*. In conclusion, Staff recommends that the application be **approved**.

Proposed Conditions:

1. The owner shall submit a deposited Ontario Land Surveyor's Reference Plan to the Committee of Adjustment Office, unless exempted by the Land Registrar. The reference plan must be submitted in pdf and also submitted in CAD format, drawn at true scale and location and tied to the City corporate coordinate system. (Committee of Adjustment Section)
2. The owner shall pay any outstanding realty taxes and/or all other charges owing to the City Treasurer. (Committee of Adjustment Section)
3. The owner submits to the Committee of Adjustment office an administration fee, payable to the City of Hamilton, to cover the costs of setting up a new tax account for each newly created lot. (Committee of Adjustment Section)
4. That the proponent shall carry out an archaeological assessment of the entire property and mitigate, through preservation or resource removal and documentation, adverse impacts to any significant archaeological resources found. No demolition, grading, construction activities, landscaping, staging, stockpiling or other soil disturbances shall take place on the subject property prior to the approval of the Director of Planning confirming that all archaeological resource concerns have met conservation requirements. All archaeological reports shall be submitted to the City of Hamilton concurrent with their submission to the Ontario Ministry of Citizenship and Multiculturalism (MCM).

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

5. The owner/applicant shall apply for a demolition permit to demolish all or an appropriate portion of any buildings straddling the proposed property line, or alternatively apply for and receive final approval of the appropriate Planning Act application in order to seek relief from the requirements of the Zoning By-law (Planning Division – Zoning Review Section). NOTE: The demolition permit



Hamilton

shall have a status of either “Review”, “Issued”, or “Closed” in order for this condition to be cleared by the Zoning Review Section.

6. The owner/applicant shall demolish all three (3) accessory structures on the lands to be conveyed to the satisfaction of the Planning and Economic Development Department (Planning Division – Zoning Review Section), or alternatively apply for and receive final approval of the appropriate Planning Act application in order for the existing accessory structures to remain when no principal use is existing (Planning Division – Zoning Review Section). NOTE: If a demolition permit is required, the permit shall have a status of either “Review”, “Issued”, or “Closed” in order for this condition to be cleared by the Zoning Review Section.
7. That the Owner must enter into with the City of Hamilton and register, a Consent Agreement, having an administrative fee of \$ 5,065.00 (includes grading plan review) 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 provide a cash payment to the City representing the cost recoveries associated with the road works fronting the subject lands, to the satisfaction of the City’s Director of Development Engineering. The costs shall be updated as necessary at the time of final application approval.
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 Section).

Proposed Notes:

The lands to be retained (Lot 1) will remain as 486 Glover Road (Stoney Creek).

The lands to be severed (Lot 2) will be assigned the address of 47 Springbreeze Heights (Stoney Creek).

We ask 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.



Hamilton

Development Planning:

Background

The purpose of this application is to permit the conveyance of a parcel of land for future residential development fronting on to Springbreeze Heights (existing accessory structures to be removed) and to retain a parcel of land containing the existing single detached dwelling (to remain) fronting on to Glover Road.

	Frontage	Depth	Area
SEVERED LANDS:	18.3 m [±]	31.3 m [±]	576 m ² ±
RETAINED LANDS:	18.3 m [±]	29.7 m [±]	541 m ² ±

Urban Hamilton Official Plan:

The subject lands are identified as “Neighbourhoods” on Schedule E – Urban Structure and designated “Neighbourhoods” on Schedule E-1 – Urban Land Use Designations in the Urban Hamilton Official Plan. The subject lands are within the Urban Lakeshore Area Secondary Plan and are designated “Low Density Residential 2b” on Land Use Plan Map B.7.3-1 (UHOP – Volume 2). Volume 2 policy B.7.3.1.3 permits single, semi detached and duplex dwellings with a density range from 1 to 29 units per net residential hectare.

All new lot creations must the following criteria within the UHOP:

- “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;

STAFF COMMENTS

HEARING DATE: February 13, 2024



Hamilton

- e) The lots are fully serviced by municipal water and wastewater systems; and,
- f) The lots have frontage on a public road.”

The proposed severance is being evaluated as Residential Intensification based on the policies of Sections B.2.4.1.4 and B.2.4.2.2 (Volume 1). Lot creation for ‘Residential Intensification’ in the “Neighbourhoods” designation is permitted if the lots meet the criteria of F.1.14.3.1 (UHOP Volume 1). The severed and retained lands have a density of 19.7 units per hectare.

Archaeology:

The subject property meets five of the ten criteria used by the City of Hamilton and Ministry of Citizenship and Multiculturalism for determining archaeological potential:

- 1) Within 250 metres of known archaeological sites;
- 2) Within 300 metres of a primary watercourse or permanent waterbody, 200 metres of a secondary watercourse or seasonal waterbody, or 300 metres of a prehistoric watercourse or permanent waterbody;
- 3) In an area of sandy soil in areas of clay or stone;
- 4) In areas of pioneer Euro-Canadian settlement; and
- 5) Along historic transportation routes.

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

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

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

STAFF COMMENTS**HEARING DATE: February 13, 2024**

Hamilton

Should deeply buried archaeological materials be found on the property during any of the above development activities the MCM should be notified immediately (416-212-8886). In the event that human remains are encountered during construction, the proponent should immediately contact both MCM 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 Zoning By-law No. 3692-92:

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

Analysis

As per the Urban Hamilton Official Plan, F.1.14.3.1.d), the proposed residential lots reflect the general scale and character of the established development pattern in the surrounding area by taking into consideration lot frontages and area. The proposed lots are a good example of infill development and residential intensification.

A 0.3 metre reserve block appears to be located along the Springbreeze Heights frontage of the severed lands (Block 36 of Plan 62M-1047). This reserve block is required to be lifted prior registration of consent certificates in order for the severed lands to have frontage on a public road. Planning staff defer to Development Engineering staff for further comment/conditions of approval. Planning staff are otherwise satisfied that the proposed severance conforms to the lot creation policies of the Urban Hamilton Official Plan.

Furthermore, the proposed lots meet the minimum lot width (frontage) of 15.0 metres and the minimum lot area of 464.50 square metres requirements within the Stoney Creek Zoning By-law No. 3692-92.

Based on the foregoing, staff support the severance and recommend approval subject to conditions.

Zoning:

Recommendation:	Comments and Conditions / Notes
Proposed Conditions:	<ol style="list-style-type: none"> <li data-bbox="493 1564 1513 1881">1. The owner/applicant shall apply for a demolition permit to demolish all or an appropriate portion of any buildings straddling the proposed property line, or alternatively apply for and receive final approval of the appropriate Planning Act application in order to seek relief from the requirements of the Zoning By-law (Planning Division – Zoning Review Section). NOTE: The demolition permit shall have a status of either “Review”, “Issued”, or “Closed” in order for this condition to be cleared by the Zoning Review Section.

STAFF COMMENTS**HEARING DATE: February 13, 2024**

Hamilton

	<p>2. The owner/applicant shall demolish all three (3) accessory structures on the lands to be conveyed to the satisfaction of the Planning and Economic Development Department (Planning Division – Zoning Review Section), or alternatively apply for and receive final approval of the appropriate Planning Act application in order for the existing accessory structures to remain when no principal use is existing (Planning Division – Zoning Review Section). NOTE: If a demolition permit is required, the permit shall have a status of either “Review”, “Issued”, or “Closed” in order for this condition to be cleared by the Zoning Review Section.</p>
<p>Comments:</p>	<p>1. The owner/applicant should obtain an appropriate municipal address for the proposed parcel(s) from the Legislated Approvals and Staging of Development Section of the Planning and Economic Development Department prior to the issuance of a building permit.</p> <p>2. All or an appropriate portion of the building straddling the proposed property line shall be demolished in order to achieve zoning compliance, or the owner/applicant shall receive final approval of the appropriate Planning Act application.</p>

Development Engineering:

<p>Recommendation:</p>	<p>Approve with Conditions</p>
<p>Proposed Conditions:</p>	<p>The Applicant will be required to provide separate independent sewer and water services to the severed and retained parcels.</p> <p>Required Conditions:</p> <p>1. That the Owner must enter into with the City of Hamilton and register, a Consent Agreement, having an administrative fee of \$ 5,065.00 (includes grading plan review) 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</p>

STAFF COMMENTS**HEARING DATE: February 13, 2024**

Hamilton

	<p>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.</p> <p>2. That the Owner provide a cash payment to the City representing the cost recoveries associated with the road works fronting the subject lands, to the satisfaction of the City's Director of Development Engineering. The costs shall be updated as necessary at the time of final application approval.</p>
Comments:	<ol style="list-style-type: none"> 1. Consent Agreement 2. Cost Recoveries

Transportation Planning:

Recommendation:	Approve
-----------------	---------

Building Engineering:

Recommendation:	Comments and Conditions / Notes
Proposed Conditions:	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)
Notes:	In order to clear conditions, the applicant will be required to make application for Ontario Building Code compliance and pay the relevant fees.

Forestry and Horticulture:

Recommendation:	Approve
Comments:	<p>There are no Municipal Tree Assets on site. No public tree permit is required.</p> <p>No Landscape plan required.</p> <p>Forestry has no concerns or conditions regarding this application.</p> <p>For questions please contact: urbanforest@hamilton.ca</p>

STAFF COMMENTS**HEARING DATE: February 13, 2024**

Hamilton

Legislative Approvals:

Recommendation	Comments Only
Comments:	<p>The lands to be retained (Lot 1) will remain as 486 Glover Road (Stoney Creek).</p> <p>The lands to be severed (Lot 2) will be assigned the address of 47 Springbreeze Heights (Stoney Creek).</p>
Notes:	<p>We ask 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.</p>

Please Note: Public comment will be posted separately, if applicable.

From: [Boucetta, Alexandra \(MTO\)](#)
To: [Committee of adjustment](#)
Cc: [Boc, Cameron](#)
Subject: RE: COA Agenda Available - February 13th, 2024
Date: Thursday, February 1, 2024 5:20:04 PM
Attachments: [image001.png](#)

Good afternoon,

Two Consent/Land Severance applications requires Ministry's review and approval.

8 Shoreview Place, Stoney Creek: Microsoft Word - SC.B.23.97 (escribemeetings.com)

Separate email will be sent regarding this application.

486 GLOVER ROAD, STONEY CREEK: filestream.ashx (escribemeetings.com)

Ministry has reviewed the proposed severance of 486 Glover Road, Stoney Creek and has the following comments:

- In general, ministry has no objection to the proposed severance application.
- The land to be severed is located within the ministry permit control; therefore, any changes to the land (rezoning, development proposal) will require ministry review and approval.
- All grading and/or construction of any kind on Lot 1 or Lot 2 will not be permitted on the land without the ministry's approval and permit.

Thank you,

Alexandra Boucetta | Corridor Management Officer (West)

Highway Corridor Management Section | Central Operations | Ministry of Transportation

159 Sir William Hearst Avenue, 7th Floor, Toronto, ON. M3M 0B7

Telephone: 416-816-4719 | Email: alexandra.boucetta@ontario.ca

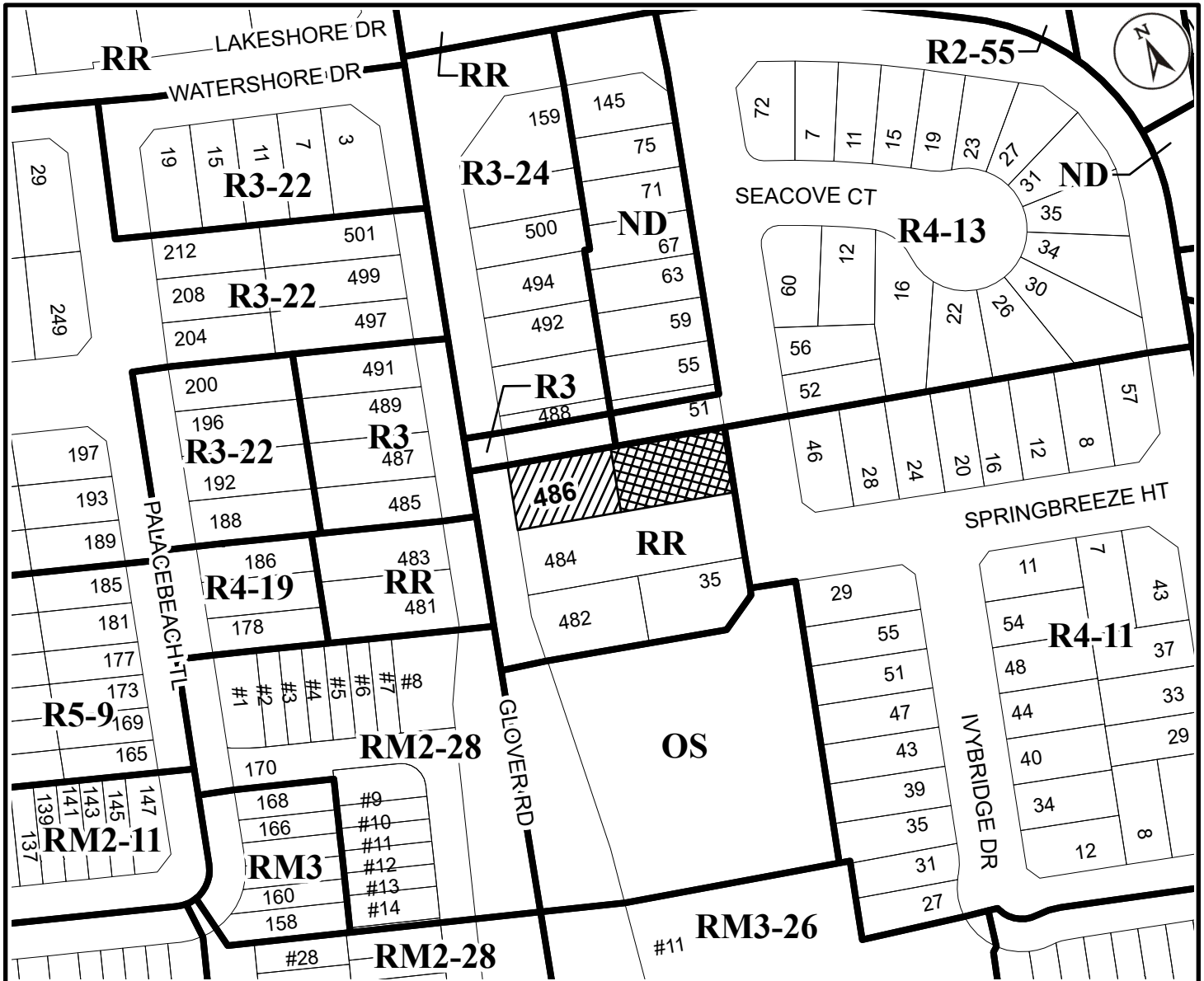


From: Boc, Cameron <Cameron.Boc@hamilton.ca>
Sent: January 25, 2024 10:28 AM
To: Committee of adjustment <cofa@hamilton.ca>
Subject: COA Agenda Available - February 13th, 2024

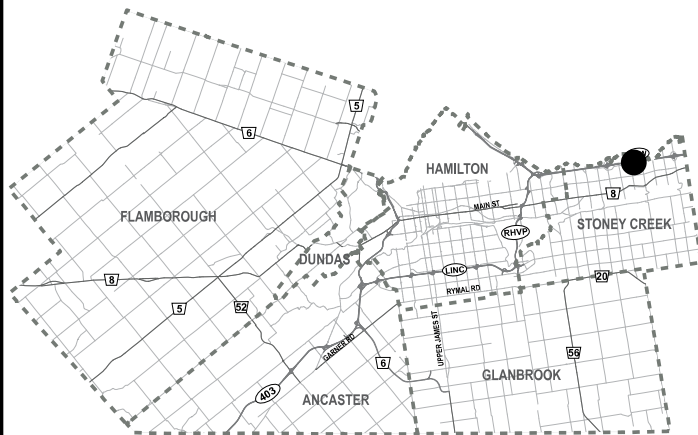
CAUTION -- EXTERNAL E-MAIL - Do not click links or open attachments unless you recognize the sender.

Good Afternoon,

Attached is a copy of the Agenda for the February 13th, 2024 Hybrid Hearing date, please follow the link below for a copy of the submitted materials.



● Site Location



City of Hamilton

Committee of Adjustment

Subject Property



486 Glover Road, Stoney Creek
(Ward 10)

File Name/Number:
SC/B-23:91

Date:
February 1, 2024

Technician:
AL

Map Not To Scale

Appendix "A"



Hamilton



Hamilton

SC/B-23:97 – 8 Shoreview Place, Stoney Creek

Recommendation:

Development Planning - Having regard for the matters under subsection 45(1) of the *Planning Act*, staff are not satisfied that the **requested Variance 4** maintains the purpose and intent of the Zoning By-law, nor considered minor in nature. Staff recommends that the **requested Variance 4**, as outlined in the Notice of Hearing, be **denied**.

Having regard for the matters under subsection 45(1) of the *Planning Act*, staff recommend that the other requested variances be **approved**, as they maintain the general intent and purpose of the Urban Hamilton Official Plan and the Zoning By-law, are minor in nature and desirable for the appropriate development of the subject lands.

The requested consent application, subject to the recommended conditions, conforms to the policies of the Urban Hamilton Official Plan, in particular the lot creation policies of Section F.1.14.3.1, and has sufficient regard for matters under subsection 51 (24) of the *Planning Act*. In conclusion, Staff recommends that the application be **approved**.

Proposed Conditions:

1. The owner shall submit a deposited Ontario Land Surveyor's Reference Plan to the Committee of Adjustment Office, unless exempted by the Land Registrar. The reference plan must be submitted in pdf and also submitted in CAD format, drawn at true scale and location and tied to the City corporate coordinate system. (Committee of Adjustment Section)
2. The owner shall pay any outstanding realty taxes and/or all other charges owing to the City Treasurer. (Committee of Adjustment Section)
3. The owner submits to the Committee of Adjustment office an administration fee, payable to the City of Hamilton, to cover the costs of setting up a new tax account for each newly created lot. (Committee of Adjustment Section)
4. That the Owner / Applicant shall enter into and register on title a joint access agreement for the severed and retained lands, to the satisfaction of the Director of Development Planning.
5. That final and binding approval of Minor Variance application SC/A-23:349 be received, to the satisfaction of the Director of Development Planning.
6. The owner/applicant shall receive final and binding approval of minor variance application SC/A-23:349 (Planning Division – Zoning Review Section).



Hamilton

7. That the Owner must enter into with the City of Hamilton and register, a Consent Agreement, having an administrative fee of \$ 5,065.00 (includes grading plan review) 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. The owner shall comply with Ontario Building Code requirements regarding spatial separation distances of any structures. Compliance to be confirmed by the Planning and Economic Development Department (Building Division – Building Engineering Section).

Proposed Notes:

The lands to be retained (Part 1) will remain as 8 Shoreview Place (Stoney Creek).

The lands to be severed (Part 2) will be assigned the address of 32 Shoreview Place (Stoney Creek).

We ask 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.



Hamilton

Development Planning:

Background

The purpose of the consent application is to permit the conveyance of a parcel of land for a mixed-use building and to retain a parcel of land containing the existing retirement residence (to remain).

	Frontage	Depth	Area
SEVERED LANDS (Part 2):	65.4 m [±]	varies	11,711 m ² [±]
RETAINED LANDS (Part 1):	56.5 m [±]	varies	8,668 m ² [±]

In order to facilitate the severance and Site Plan application DA-23-012, the following variances are requested:

Lands to be retained:

1. A minimum lot area of 8,600 square metres shall be permitted instead of the minimum 20,400 square metre lot area required.

Lands to be severed:

2. A minimum lot area of 11,600 square metres shall be permitted instead of the minimum 20,400 square metre lot area required.
3. A minimum gross leasable commercial floor area of 470.0 square metres shall be permitted instead of the minimum 974.3 square metres of gross leasable commercial floor area required.
4. A minimum amenity area of 11 square metres per unit shall be permitted instead of the minimum required 14 square metres for bachelor units, 18 square metres for one-bedroom units, 53 square metres for two-bedroom units, 88 square metres for three bedroom units, and 125 square metres for four bedroom units required.
5. 1.25 parking spaces per dwelling unit shall be permitted instead of the minimum required 1.5 parking spaces per dwelling unit.
6. 1 parking space per 96 square metres of commercial gross floor area shall be permitted instead of the minimum 1 space per 28 square metres of commercial gross floor area required.



Hamilton

7. A 3.0 metre landscape strip shall be provided along the street line abutting Shoreview Place instead of the minimum 3.9 metre landscape strip required along the lot line abutting Shoreview Place.

Background:

The applicant received conditional approval for Site Plan Control application DA-23-012 on November 23, 2023, to construct a multiple dwelling consisting of 37 and 25 storey towers above a five storey podium, containing a total of 730 dwelling units, 480 square metres of commercial space and 968 parking spaces.

Currently, there is a nine storey retirement and long term care facility on the subject lands. The use of a retirement home was granted by the Committee of Adjustment through a Minor Variance application SC/A-14:98 on May 15, 2014.

Urban Hamilton Official Plan:

The subject lands are identified as “Neighbourhoods” on Schedule E – Urban Structure and designated “Neighbourhoods” on Schedule E-1 – Urban Land Use Designations in the Urban Hamilton Official Plan (UHOP). Multiple dwellings and long term care facilities within this designation are permitted (Volume 1 – E.3.2.6, E.3.6.2 and E.3.10.1).

The following policies, amongst others, are applicable:

- “E.3.2.3 The following uses shall be permitted on lands designated Neighbourhoods on Schedule E-1 – Urban Land Use Designations:
- a) residential dwellings, including second dwelling units and housing with supports;
 - b) open space and parks;
 - c) local community facilities/services; and,
 - d) local commercial uses.
- E.3.2.4 The existing character of established Neighbourhoods designated areas shall be maintained. Residential intensification within these areas shall enhance and be compatible with the scale and character of the existing residential neighbourhood in accordance with Section B.2.4 – Residential Intensification and other applicable policies of this Plan.
- F.1.14.3 Lot Creation – Urban Area Neighbourhoods Designation



Hamilton

- 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.”

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

The subject lands are zoned as Mixed Use Commercial “MUC-5” Zone, Modified, within the Stoney Creek Zoning By-law No. 3692-92, which permits the use of Apartment Dwelling Units above commercial uses and accessory structures thereto, subject to applicable provisions.

Minor Variance application SC/A-14:98 was approved on May 15, 2014, to facilitate development of a retirement home.

Analysis

	Requested Variance:	Staff Comments:
1.	A minimum lot area of 8,600 square metres shall be permitted instead of the minimum 20,400 square metre lot area required.	Staff support the minimum lot area of 8,600 square metres for the retained lands and the minimum lot area of 11,600 square metres for the severed lands. The proposed lots reflect the general scale and character of the established development pattern in the surrounding area by taking into consideration lot area. Staff support Variance 1 and 2.
2.	A minimum lot area of 11,600 square metres shall be permitted instead of the minimum 20,400 square metre lot area required.	
3.	A minimum gross leasable commercial floor area of 470.0	The applicant is proposing six ground floor commercial units, which will provide small

STAFF COMMENTS**HEARING DATE: February 13, 2024**

Hamilton

	square metres shall be permitted instead of the minimum 974.3 square metres of gross leasable commercial floor area required.	scale retail uses. Staff are of the opinion that the proposed minimum gross leasable commercial floor area of 470 square metres is appropriate for this scale of development and reflective of its surrounding area and the needs for future residents. Staff are in support of this variance.
4.	A minimum amenity area of 11 square metres per unit shall be permitted instead of the minimum required 14 square metres for bachelor units, 18 square metres for one-bedroom units, 53 square metres for two-bedroom units, 88 square metres for three bedroom units, and 125 square metres for four bedroom units required.	For similar developments within the area such as 310 Frances Avenue, staff have supported the minimum amenity area of 17 square metres per unit be permitted for the smallest residential unit. To ensure sufficient amenity space is granted for each unit type, staff recommend that the required minimum amenity area of 14 square metres per unit be maintained for bachelor units. Staff do not support this variance as it does not maintain the intent of the Zoning By-law.
5.	1.25 parking spaces per dwelling unit shall be permitted instead of the minimum required 1.5 parking spaces per dwelling unit.	Planning staff defer to Transportation Planning for comments on the proposed residential parking rate of 1.25 parking spaces per residential dwelling unit.
6.	1 parking space per 96 square metres of commercial gross floor area shall be permitted instead of the minimum 1 space per 28 square metres of commercial gross floor area required.	Planning staff defer to Transportation Planning for comments on the proposed commercial parking rate of 1 parking space per 96 square metres of commercial gross floor area.
7.	A 3.0 metre landscape strip shall be provided along the street line abutting Shoreview Place instead of the minimum 3.9 metre landscape strip required along the lot line abutting Shoreview Place.	As a condition of Site Plan approval, the applicant must prepare a landscape plan to ensure there is sufficient landscaped area throughout the site appropriate for the proposed development. There is significant landscaped area proposed on-site to ensure there are no adverse impacts. Staff support this variance.

Planning staff are satisfied that the proposed severance conforms to the lot creation policies of the Urban Hamilton Official Plan, subject to approval of the variance to the minimum lot areas.

STAFF COMMENTS**HEARING DATE: February 13, 2024**

Hamilton

Zoning:

Recommendation:	Comments and Conditions / Notes
Proposed Conditions:	1. The owner/applicant shall receive final and binding approval of minor variance application SC/A-23:349 (Planning Division – Zoning Review Section).
Notes:	<p>1. The owner/applicant should obtain an appropriate municipal address for the proposed parcel(s) from the Legislated Approvals and Staging of Development Section of the Planning and Economic Development Department prior to the issuance of a building permit</p> <p>2. It is noted that this application will be heard in conjunction with minor variance application SC/A-23:349. Variances for lot area, leasable commercial floor area, minimum amenity area, minimum parking requirements, and landscaping have been applied for</p> <p>3. In order to clear conditions, the owner/applicant will be required to make application for a Zoning Compliance Review and pay the relevant fees.</p>

Development Engineering:

Recommendation:	Approve with Conditions
Proposed Conditions:	1. That the Owner must enter into with the City of Hamilton and register, a Consent Agreement, having an administrative fee of \$ 5,065.00 (includes grading plan review) 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.
Comments:	1. Consent Agreement

STAFF COMMENTS**HEARING DATE: February 13, 2024**

Hamilton

Notes:	Engineering concerns to be addressed through the site plan application.
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Transportation Planning:

Recommendation:	Approve
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Building Engineering:

Recommendation:	Comments and Conditions / Notes
Proposed Conditions:	The owner shall comply with Ontario Building Code requirements regarding spatial separation distances of any structures. Compliance to be confirmed by the Planning and Economic Development Department (Building Division – Building Engineering Section).
Notes:	In order to clear conditions, the applicant will be required to make application for Ontario Building Code compliance and pay the relevant fees.

Forestry and Horticulture:

Recommendation:	Approve
Comments:	There are municipal tree assets on site. Forestry will have conditions deferred to site plan application DA-23-012 No public tree permit is required. No Landscape plan required.
Notes:	Prior to a person performing any work on, in or around a public tree an application for a permit shall be submitted to Forestry. Email urbanforest@hamilton.ca for questions or public tree permit application.

Legislative Approvals:

Recommendation	Comments Only
Comments:	The lands to be retained (Part 1) will remain as 8 Shoreview Place (Stoney Creek) . The lands to be severed (Part 2) will be assigned the address of 32 Shoreview Place (Stoney Creek) .
Notes:	We ask 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.

STAFF COMMENTS

HEARING DATE: February 13, 2024



Hamilton

Please Note: Public comment will be posted separately, if applicable.

From: [Boucetta, Alexandra \(MTO\)](#)
To: [Committee of adjustment](#)
Cc: [Boc, Cameron](#); [Deluca, Peter \(MTO\)](#)
Subject: RE: COA Agenda Available - February 13th, 2024 (8 Shoreview Place, Stoney Creek)
Date: Friday, February 2, 2024 3:57:00 PM
Attachments: [image001.png](#)

8 Shoreview Place, Stoney Creek

City Application No: [C/B-23:97](#)

City Application No: [C/A-23:349](#)

Good afternoon,

Further to the circulation regarding the above applications, please note that the ministry has reviewed the provided correspondence in accordance with the requirements under the Public Transportation and Highway Improvement Act and the following are our comments:

- In general, ministry has no objection to the proposed Severance and Minor Variance Applications.
- The land to be severed is located within the ministry permit control area; therefore, any changes to the land (rezoning, development proposal) will require ministry review and approval.
- All grading of any kind in relation to the development proposal for Part 2 will not be permitted on the land without the ministry's approval and permit.
- Several freestanding advertising signs were noticed while reviewing the site through Google Maps. According to Ministry's records. There are no permits issued for any of the signs. They must be removed as a condition of the approval of these applications, or applicable ministry's permits must be obtained through the link below. Third party advertisings are not allowed in this location.
[HCMS - Apply for a permit - Application for Sign permit \(gov.on.ca\)](#)

Please note that all comments above at the present time are only in relation to the proposed severance and variances. Ministry has previously provided comments to the City of Hamilton in relation to above project under City File **DA-23-012** (Site Plan Control Application). More detailed comments will be provided when the next submission is made and arrived for ministry's review.

I trust that the above is clear. Please note that all submissions should be circulated through the municipality, this is to ensure all stakeholder comments are reviewed and received.

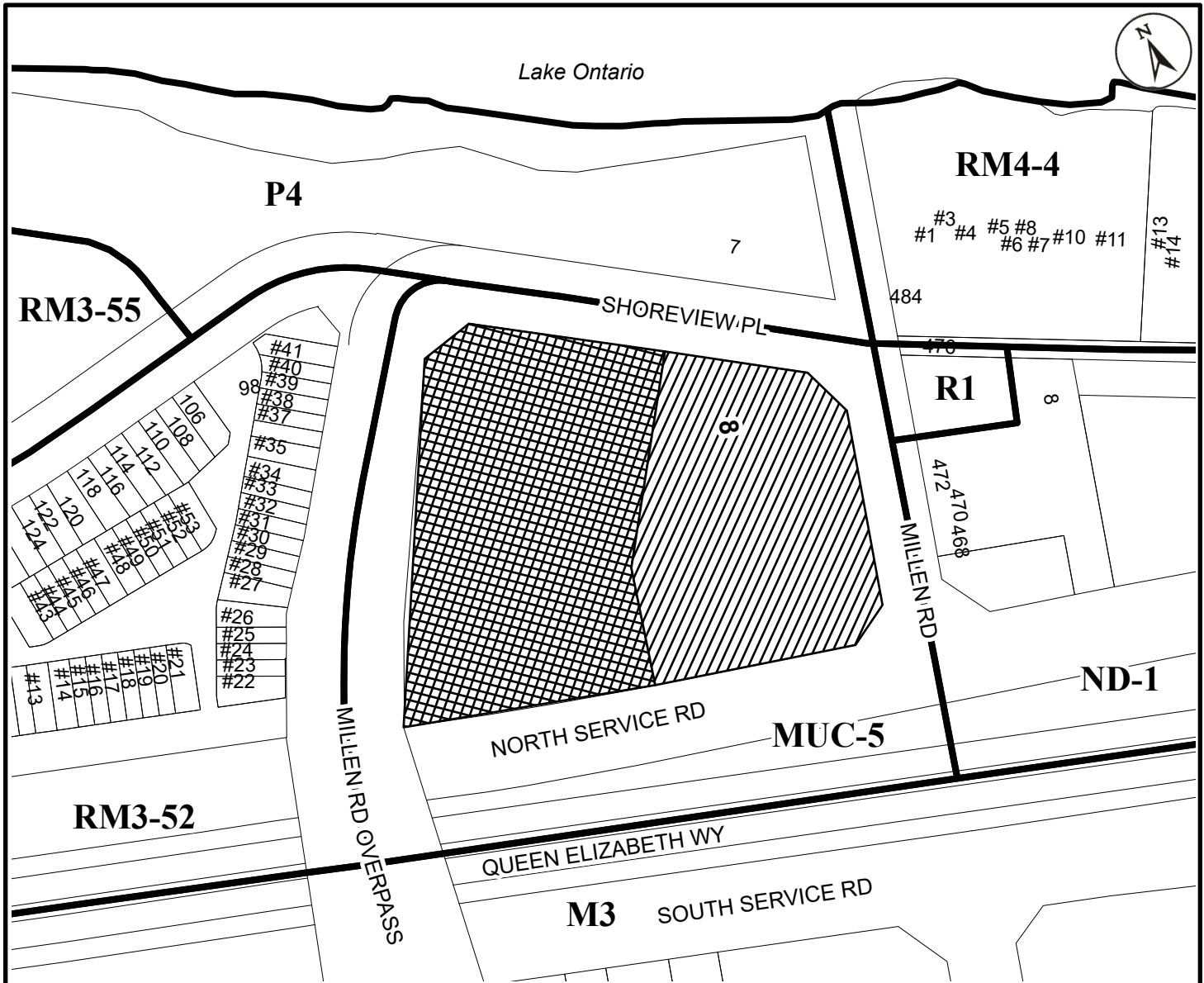
Thank you,

Alexandra Boucetta | Corridor Management Officer (West)

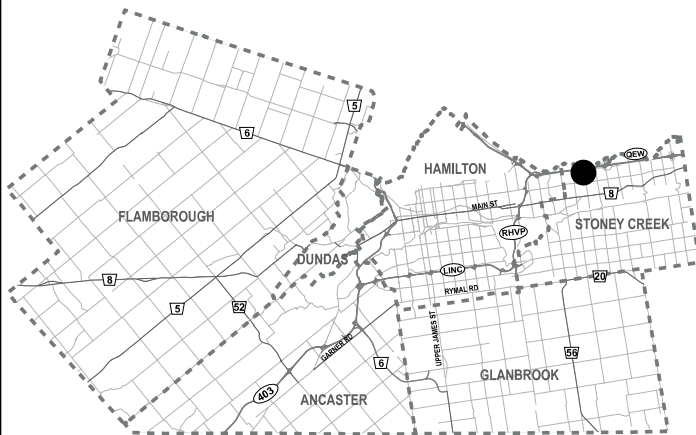
Highway Corridor Management Section | Central Operations | Ministry of Transportation

159 Sir William Hearst Avenue, 7th Floor, Toronto, ON. M3M 0B7

Telephone: 416-816-4719 | Email: alexandra.boucetta@ontario.ca



● Site Location





City of Hamilton

Committee of Adjustment

Subject Property

8 Shoreview Place, Stoney Creek (Ward 10)

 Lands to be Retained

 Lands to be Severed

File Name/Number:
SC/B-23/97

Date:
February 1, 2024

Technician:
AL

Map Not To Scale

Appendix "A"



Hamilton

STAFF COMMENTS**HEARING DATE: February 13, 2024**Hamilton

SC/A-23:349 – 8 Shoreview Place, Stoney Creek

Recommendation:

Development Planning - Having regard for the matters under subsection 45(1) of the *Planning Act*, staff are not satisfied that the **requested Variance 4** maintains the purpose and intent of the Zoning By-law, nor considered minor in nature. Staff recommends that the **requested Variance 4**, as outlined in the Notice of Hearing, be **denied**.

Having regard for the matters under subsection 45(1) of the *Planning Act*, staff recommend that the other requested variances be **approved**, as they maintain the general intent and purpose of the Urban Hamilton Official Plan and the Zoning By-law, are minor in nature and desirable for the appropriate development of the subject lands.

Proposed Conditions:

N/A

Proposed Notes:

N/A



Hamilton

Development Planning:

Background

The purpose of the consent application is to permit the conveyance of a parcel of land for a mixed-use building and to retain a parcel of land containing the existing retirement residence (to remain).

	Frontage	Depth	Area
SEVERED LANDS (Part 2):	65.4 m [±]	varies	11,711 m ² [±]
RETAINED LANDS (Part 1):	56.5 m [±]	varies	8,668 m ² [±]

In order to facilitate the severance and Site Plan application DA-23-012, the following variances are requested:

Lands to be retained:

1. A minimum lot area of 8,600 square metres shall be permitted instead of the minimum 20,400 square metre lot area required.

Lands to be severed:

2. A minimum lot area of 11,600 square metres shall be permitted instead of the minimum 20,400 square metre lot area required.
3. A minimum gross leasable commercial floor area of 470.0 square metres shall be permitted instead of the minimum 974.3 square metres of gross leasable commercial floor area required.
4. A minimum amenity area of 11 square metres per unit shall be permitted instead of the minimum required 14 square metres for bachelor units, 18 square metres for one-bedroom units, 53 square metres for two-bedroom units, 88 square metres for three bedroom units, and 125 square metres for four bedroom units required.
5. 1.25 parking spaces per dwelling unit shall be permitted instead of the minimum required 1.5 parking spaces per dwelling unit.
6. 1 parking space per 96 square metres of commercial gross floor area shall be permitted instead of the minimum 1 space per 28 square metres of commercial gross floor area required.



Hamilton

7. A 3.0 metre landscape strip shall be provided along the street line abutting Shoreview Place instead of the minimum 3.9 metre landscape strip required along the lot line abutting Shoreview Place.

Background:

The applicant received conditional approval for Site Plan Control application DA-23-012 on November 23, 2023, to construct a multiple dwelling consisting of 37 and 25 storey towers above a five storey podium, containing a total of 730 dwelling units, 480 square metres of commercial space and 968 parking spaces.

Currently, there is a nine storey retirement and long term care facility on the subject lands. The use of a retirement home was granted by the Committee of Adjustment through a Minor Variance application SC/A-14:98 on May 15, 2014.

Urban Hamilton Official Plan:

The subject lands are identified as “Neighbourhoods” on Schedule E – Urban Structure and designated “Neighbourhoods” on Schedule E-1 – Urban Land Use Designations in the Urban Hamilton Official Plan (UHOP). Multiple dwellings and long term care facilities within this designation are permitted (Volume 1 – E.3.2.6, E.3.6.2 and E.3.10.1).

The following policies, amongst others, are applicable:

- “E.3.2.3 The following uses shall be permitted on lands designated Neighbourhoods on Schedule E-1 – Urban Land Use Designations:
- a) residential dwellings, including second dwelling units and housing with supports;
 - b) open space and parks;
 - c) local community facilities/services; and,
 - d) local commercial uses.
- E.3.2.4 The existing character of established Neighbourhoods designated areas shall be maintained. Residential intensification within these areas shall enhance and be compatible with the scale and character of the existing residential neighbourhood in accordance with Section B.2.4 – Residential Intensification and other applicable policies of this Plan.
- F.1.14.3 Lot Creation – Urban Area Neighbourhoods Designation



Hamilton

- 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.”

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

The subject lands are zoned as Mixed Use Commercial “MUC-5” Zone, Modified, within the Stoney Creek Zoning By-law No. 3692-92, which permits the use of Apartment Dwelling Units above commercial uses and accessory structures thereto, subject to applicable provisions.

Minor Variance application SC/A-14:98 was approved on May 15, 2014, to facilitate development of a retirement home.

Analysis

	Requested Variance:	Staff Comments:
1.	A minimum lot area of 8,600 square metres shall be permitted instead of the minimum 20,400 square metre lot area required.	Staff support the minimum lot area of 8,600 square metres for the retained lands and the minimum lot area of 11,600 square metres for the severed lands. The proposed lots reflect the general scale and character of the established development pattern in the surrounding area by taking into consideration lot area. Staff support Variance 1 and 2.
2.	A minimum lot area of 11,600 square metres shall be permitted instead of the minimum 20,400 square metre lot area required.	
3.	A minimum gross leasable commercial floor area of 470.0	The applicant is proposing six ground floor commercial units, which will provide small

STAFF COMMENTS**HEARING DATE: February 13, 2024**

Hamilton

	square metres shall be permitted instead of the minimum 974.3 square metres of gross leasable commercial floor area required.	<p>scale retail uses. Staff are of the opinion that the proposed minimum gross leasable commercial floor area of 470 square metres is appropriate for this scale of development and reflective of its surrounding area and the needs for future residents.</p> <p>Staff are in support of this variance.</p>
4.	A minimum amenity area of 11 square metres per unit shall be permitted instead of the minimum required 14 square metres for bachelor units, 18 square metres for one-bedroom units, 53 square metres for two-bedroom units, 88 square metres for three bedroom units, and 125 square metres for four bedroom units required.	<p>For similar developments within the area such as 310 Frances Avenue, staff have supported the minimum amenity area of 17 square metres per unit be permitted for the smallest residential unit. To ensure sufficient amenity space is granted for each unit type, staff recommend that the required minimum amenity area of 14 square metres per unit be maintained for bachelor units.</p> <p>Staff do not support this variance as it does not maintain the intent of the Zoning By-law.</p>
5.	1.25 parking spaces per dwelling unit shall be permitted instead of the minimum required 1.5 parking spaces per dwelling unit.	Planning staff defer to Transportation Planning for comments on the proposed residential parking rate of 1.25 parking spaces per residential dwelling unit.
6.	1 parking space per 96 square metres of commercial gross floor area shall be permitted instead of the minimum 1 space per 28 square metres of commercial gross floor area required.	Planning staff defer to Transportation Planning for comments on the proposed commercial parking rate of 1 parking space per 96 square metres of commercial gross floor area.
7.	A 3.0 metre landscape strip shall be provided along the street line abutting Shoreview Place instead of the minimum 3.9 metre landscape strip required along the lot line abutting Shoreview Place.	<p>As a condition of Site Plan approval, the applicant must prepare a landscape plan to ensure there is sufficient landscaped area throughout the site appropriate for the proposed development. There is significant landscaped area proposed on-site to ensure there are no adverse impacts.</p> <p>Staff support this variance.</p>

Planning staff are satisfied that the proposed severance conforms to the lot creation policies of the Urban Hamilton Official Plan, subject to approval of the variance to the minimum lot areas.

STAFF COMMENTS**HEARING DATE: February 13, 2024**

Hamilton

Zoning:

Recommendation:	Comments and Conditions / Notes
Notes:	1. Requested variances are required to facilitate severance application SC/B-23:97.

Development Engineering:

Recommendation:	No comments.
Notes:	Engineering concerns to be addressed through the site plan application.

Transportation Planning:

Recommendation:	Approve
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Building Engineering:

Recommendation:	Comments Only
Notes:	Be advised that Ontario Building Code regulations may require specific setback and construction types. A building permit is required for the construction of the proposed mixed-use building.

Legislative Approvals:

Recommendation:	No comments.
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Please Note: Public comment will be posted separately, if applicable.

From: [Boucetta, Alexandra \(MTO\)](#)
To: [Committee of adjustment](#)
Cc: [Boc, Cameron](#); [Deluca, Peter \(MTO\)](#)
Subject: RE: COA Agenda Available - February 13th, 2024 (8 Shoreview Place, Stoney Creek)
Date: Friday, February 2, 2024 3:57:00 PM
Attachments: [image001.png](#)

8 Shoreview Place, Stoney Creek

City Application No: [C/B-23:97](#)

City Application No: [C/A-23:349](#)

Good afternoon,

Further to the circulation regarding the above applications, please note that the ministry has reviewed the provided correspondence in accordance with the requirements under the Public Transportation and Highway Improvement Act and the following are our comments:

- In general, ministry has no objection to the proposed Severance and Minor Variance Applications.
- The land to be severed is located within the ministry permit control area; therefore, any changes to the land (rezoning, development proposal) will require ministry review and approval.
- All grading of any kind in relation to the development proposal for Part 2 will not be permitted on the land without the ministry's approval and permit.
- Several freestanding advertising signs were noticed while reviewing the site through Google Maps. According to Ministry's records. There are no permits issued for any of the signs. They must be removed as a condition of the approval of these applications, or applicable ministry's permits must be obtained through the link below. Third party advertisings are not allowed in this location.
[HCMS - Apply for a permit - Application for Sign permit \(gov.on.ca\)](#)

Please note that all comments above at the present time are only in relation to the proposed severance and variances. Ministry has previously provided comments to the City of Hamilton in relation to above project under City File **DA-23-012** (Site Plan Control Application). More detailed comments will be provided when the next submission is made and arrived for ministry's review.

I trust that the above is clear. Please note that all submissions should be circulated through the municipality, this is to ensure all stakeholder comments are reviewed and received.

Thank you,

Alexandra Boucetta | Corridor Management Officer (West)

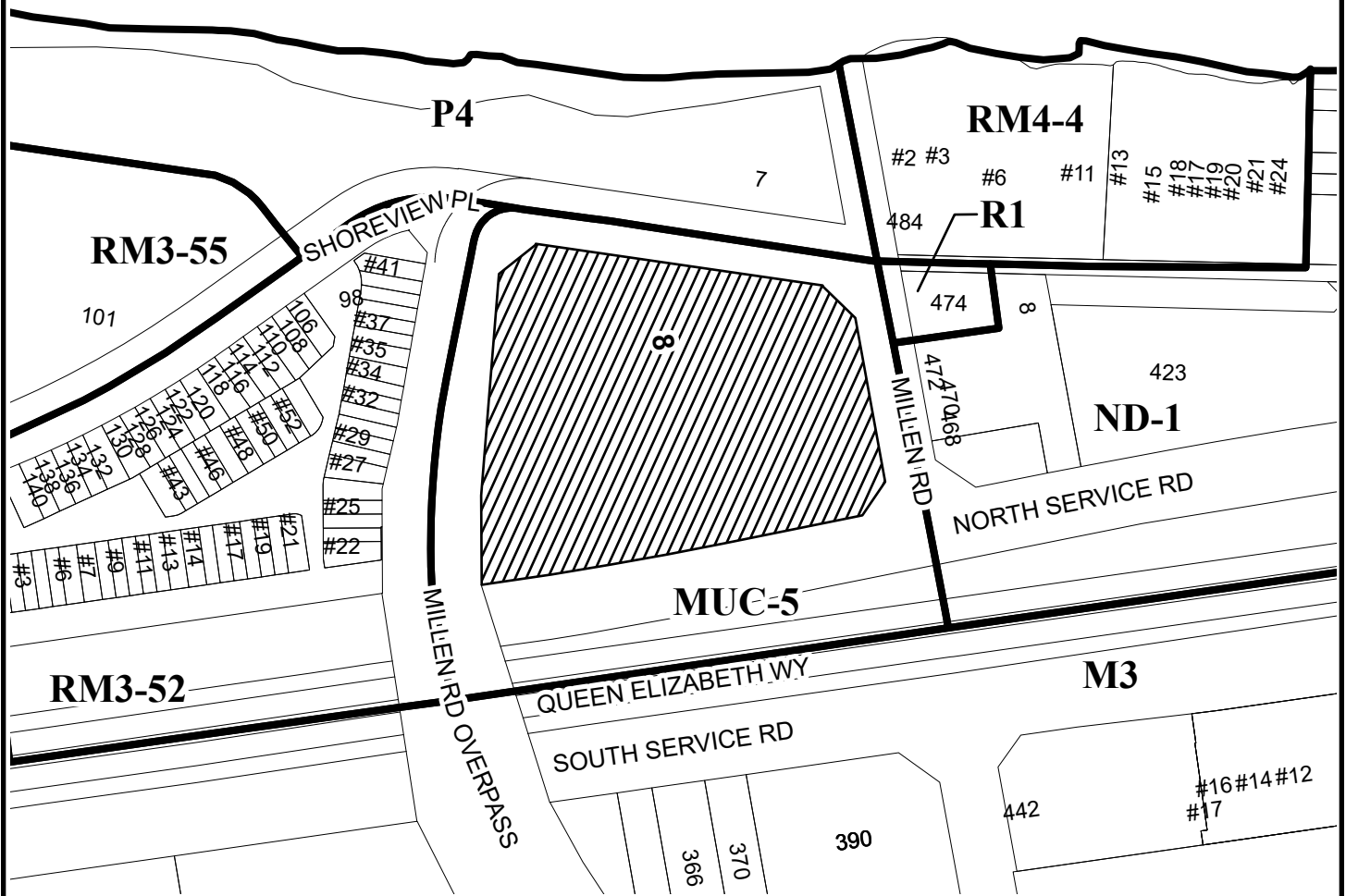
Highway Corridor Management Section | Central Operations | Ministry of Transportation

159 Sir William Hearst Avenue, 7th Floor, Toronto, ON. M3M 0B7

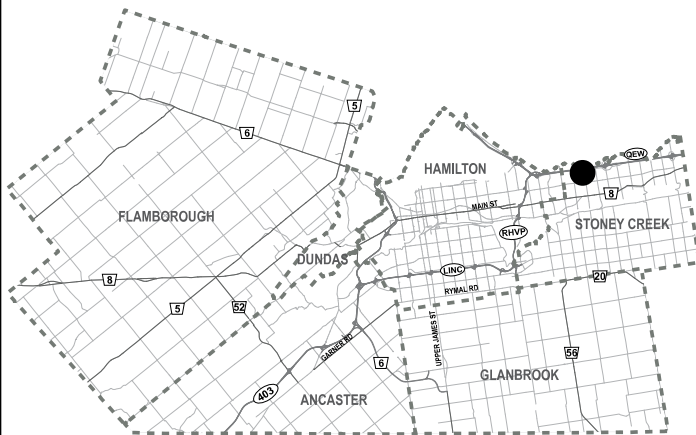
Telephone: 416-816-4719 | Email: alexandra.boucetta@ontario.ca



Lake Ontario



● Site Location



City of Hamilton

Committee of Adjustment

Subject Property



8 Shoreview Place, Stoney Creek (Ward 10)

File Name/Number:

SC/A-23:349

Date:

January 29, 2024

Technician:

AL

Map Not To Scale

Appendix "A"



Hamilton



Hamilton

SC/A-23:346 – 2251 Rymal Road East, Stoney Creek

Recommendation:

Development Planning - Staff recommend that the application be **tabled** until the applicant has received conditional approval of a Site Plan Control application or received a waiver from Site Plan Control requirements and has submitted a Parking Analysis Brief that indicates support for the proposed parking rate.

Proposed Conditions:

If approved, please add the following conditions:

1. The owner shall receive conditional approval of a Site Plan Control application or receive a waiver from Site Plan Control requirements to the satisfaction of the Director of Heritage and Design.
2. A Parking Analysis Brief shall be submitted and approved, to the satisfaction of the Director of Development Planning.

Proposed Notes:

N/A



Hamilton

Development Planning:

Background

The purpose of this application is to facilitate the construction of two existing outdoor patios for a restaurant.

The following variance is requested:

1. A minimum of 9 parking spaces shall be provided whereas 13 parking spaces are required.

Background:

The two outdoor patios were built without a building permit. There is currently an active building permit application 2023 133113 C3 to legalize them. This minor variance application is required to facilitate the issuance of the building permit.

Urban Hamilton Official Plan:

The subject lands are identified as “Secondary Corridor” on Schedule E – Urban Structure and designated “Mixed Use Medium Density” on Schedule E-1 – Urban Land Use Designations in the Urban Hamilton Official Plan and designated “Mixed Use Medium Density” on Map B.7.6-1 – Land Use Plan of the West Mountain Area (Heritage Green) Secondary Plan. Restaurant uses are permitted.

Cultural Heritage:

The subject property comprises a one storey brick building constructed circa 1865 and is listed on the City’s Municipal Heritage Register as a non-designated property. The property is also on the City’s list of Candidates for Designation, slated for review and consideration before January 1, 2025.

The applicant proposes a minimum of 9 parking spaces instead of the 13 parking spaces are required.

Notwithstanding that the property is listed on the City’s Municipal Heritage Register, Staff have reviewed the application and are of the opinion that the cultural heritage value or interest of the property will be conserved. Staff have no further comments on the application as circulated.

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

The subject lands are zoned Mixed Use Medium Density (C-5) Zone, which permits restaurant uses.

STAFF COMMENTS**HEARING DATE: February 13, 2024**

Hamilton

Analysis

The applicant is proposing to a minimum of nine parking spaces for the restaurant whereas 13 parking spaces are required. Staff are concerned that any overflow of vehicles will impact abutting lots. In order to support a Minor Variance, a Parking Analysis Brief must be provided that indicates support for the proposed parking rate. At this time, no Parking Analysis Brief has been provided by the applicant.

Furthermore, restaurant patios are subject to a Site Plan Control application, which has not been submitted. Staff notes that the parking spaces are deficient in size and parking stall #5 on the submitted Site Plan has limited manoeuvring space. The location of the existing access driveway conflicts with parking stalls #6 to #9.

Zoning:

Recommendation:	Comments Only
Comments:	<ol style="list-style-type: none"> 1. The two outdoor patios were built without a permit, there is currently an active building permit 2023 133113 C3 to legalize them, this variance is required to facilitate the issuance of the building permit. 2. The variances are written as requested by applicant. 3. Additional variances may be required. 4. This property is included in the City of Hamilton's Register of Property of Cultural Heritage Value or Interest as a non-designated property. Council requires 60 days' notice of any intention to demolish or remove any building or structure on the property. Please contact a Cultural Heritage Planner at CulturalHeritagePlanning@hamilton.ca for further information.

Development Engineering:

Recommendation:	No comments.
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Transportation Planning:

Recommendation:	Approve
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Building Engineering:

Recommendation:	Comments Only
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STAFF COMMENTS

HEARING DATE: February 13, 2024



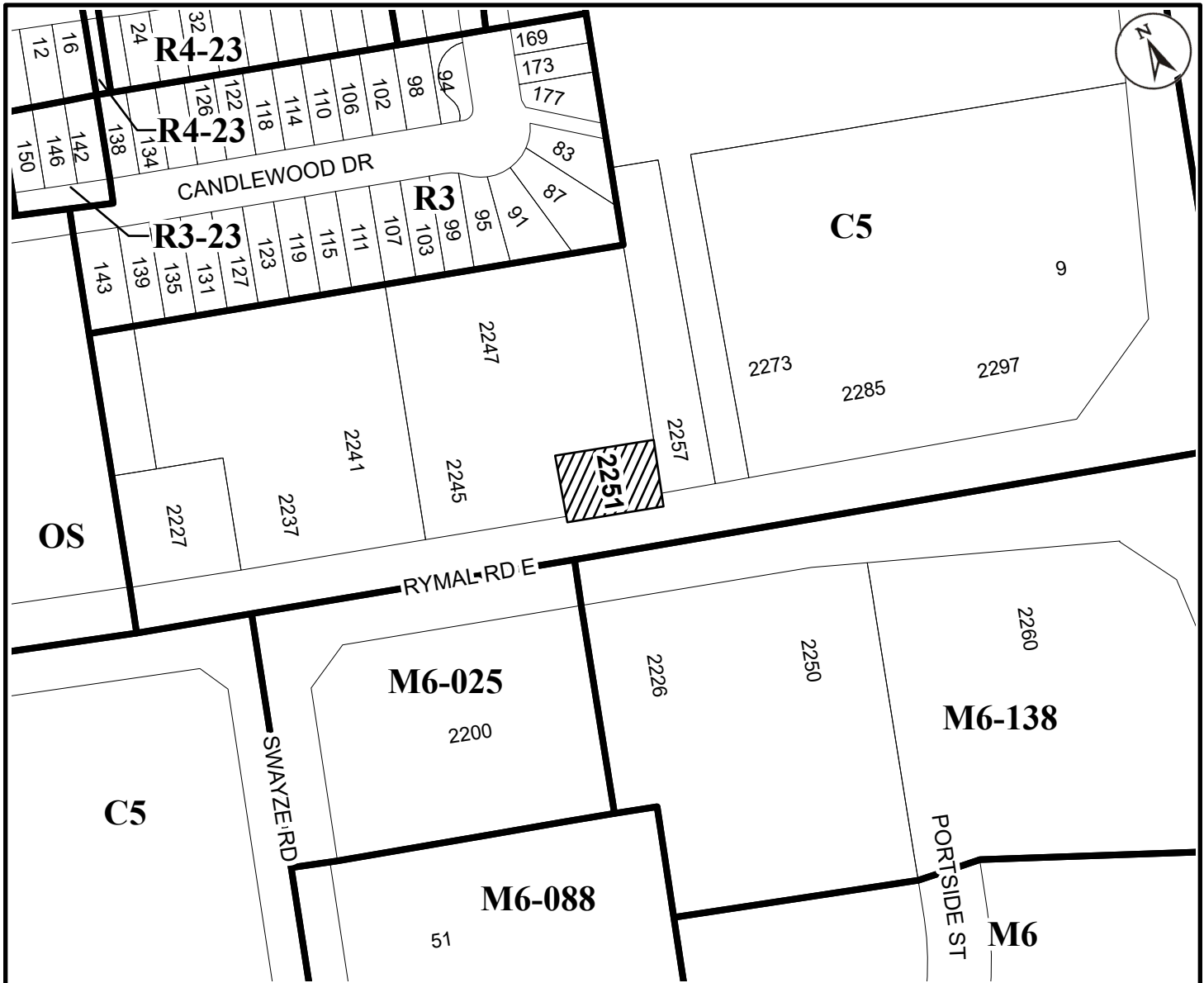
Hamilton

Notes:	A building permit is required for the construction of the proposed two outdoor patios. Order to Comply 21 163495, dated December 2, 2021 remains outstanding.
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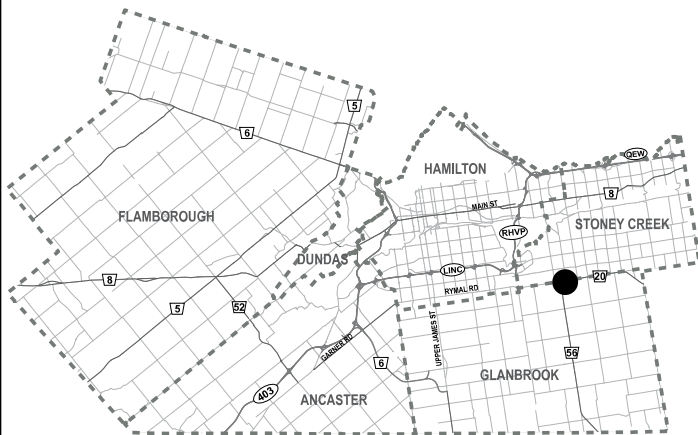
Legislative Approvals:

Recommendation:	No comments.
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Please Note: Public comment will be posted separately, if applicable.



● Site Location



City of Hamilton

Committee of Adjustment

Subject Property



2251 Rymal Road East,
Stoney Creek (Ward 9)

File Name/Number:
SC/A-23:346

Date:
January 29, 2024

Technician:
AL

Map Not To Scale

Appendix "A"



Hamilton



Hamilton

HM/A-23:337 – 531 Queenston Road, Hamilton

Recommendation:

Development Planning - Approve

Proposed Conditions:

N/A

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



Hamilton

Development Planning:

Background

The purpose of this application is to permit the construction of a new parking area to complement the existing medical clinic.

The following variances are requested:

1. A minimum planting strip of 0 metres to 0.63 metres for at least 8.0 metres along the rear lot line shall be provided whereas the by-law requires an average planting strip of 1.0 metres and no less than 0.9 metres along the rear lot line.
2. A minimum distance of 0.63 metres to the street line for parking spaces shall be provided whereas the by-law requires a minimum distance of 3.0 metres to the street line.
3. A minimum planting strip of 0.63 metres between the parking spaces and the street line shall be provided whereas the by-law requires a minimum width of 3.0 metres between the parking spaces and the street line.
4. A minimum landscape strip of 0 metres to the east and 0.63 metres to the north abutting a residential zone whereas the by-law requires a minimum landscape strip of 1.5 metres abutting a residential zone.

Urban Hamilton Official Plan:

The subject lands are identified as “Primary Corridor” and “Priority Transit Corridor” on Schedule E – Urban Structure and designated “Neighbourhoods” on Schedule E-1 – Urban Land Use Designations in the Urban Hamilton Official Plan, and designated “Medium Density Residential 3” on Map B.6.7-1 of the Centennial Neighbourhoods Secondary Plan. The existing medical clinic is a legal non-complying use that is recognized as an existing use in the Zoning By-law in accordance with policy F.1.12.8. As per policy F.1.12.9, a change in legal non-complying uses shall be permitted provided they maintain the intent and purpose of the Urban Hamilton Official Plan and the Zoning By-law.

Archeology:

The subject property meets five of the ten criteria used by the City of Hamilton and Ministry of Citizenship and Multiculturalism 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;

STAFF COMMENTS

HEARING DATE: February 13, 2024



Hamilton

- 2) In an area of sandy soil in areas of clay or stone;
- 3) In areas of pioneer Euro-Canadian 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 Citizenship and Multiculturalism (MCM) should be notified immediately (416-212-8886). In the event that human remains are encountered during construction, the proponent should immediately contact both MCM and the Registrar or Deputy Registrar of the Cemeteries Regulation Unit of the Ministry of Government and Consumer Services (416-212-7499).”

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

The subject lands are zoned Transit Oriented Corridor Multiple Residential (TOC3, 627) Zone, Special Exception 627 permits a medical clinic within the existing building.

Analysis

	Proposed Variance	Comments
1.	A minimum planting strip of 0 metres to 0.63 metres for at least 8.0 metres along the rear lot line shall be provided whereas the by-law requires an average planting strip of 1.0 metres and no less than 0.9 metres along the rear lot line.	The proposal will upgrade the existing 5 parking spaces to 7 parking spaces with one electric vehicle charger and an accessible parking space. The existing garage will be demolished to accommodate the changes.
2.	A minimum distance of 0.63 metres to the street line for parking spaces shall be provided whereas the by-law requires a minimum distance of 3.0 metres to the street line.	To maximize the use of the area, the applicant is seeking relief for the reduced landscaped planting strips. No changes to the existing landscaped area are proposed. Staff do not foresee any negative impacts from the reduced landscaping with the changes to the parking.
3.	A minimum planting strip of 0.63 metres between the parking spaces and the street line shall be provided whereas the by-law requires a minimum width of 3.0 metres between the parking spaces and the street line.	A minimum distance of 0.63 metres to the street line for parking spaces will be provided whereas the by-law

STAFF COMMENTS**HEARING DATE: February 13, 2024**

Hamilton

4.	A minimum landscape strip of 0 metres to the east and 0.63 metres to the north abutting a residential zone whereas the by-law requires a minimum landscape strip of 1.5 metres abutting a residential zone.	<p>requires a minimum distance of 3.0 metres to the street line. Staff would defer to Transportation Planning to ensure that there is sufficient manoeuvring area for each parking space.</p> <p>Overall, Planning staff are satisfied with the changes and the new layout of the parking stalls.</p>
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Based on the preceding information, the requested variance maintains the general intent and purpose of the Urban Hamilton Official Plan and the City of Hamilton Zoning By-law No. 05-200. The variance is considered to be minor in nature and desirable for the appropriate use of the property.

Zoning:

Recommendation:	Comments & Conditions / Notes
Comments:	A Corridor Development Permit is required from Metrolinx to construct any buildings, structure, road, utility infrastructure, or to conduct any excavation, dewatering or other Prescribed Work pursuant to the Building Transit Faster Act and its Regulation.

Development Engineering:

Recommendation:	No comments.
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Transportation Planning:

Recommendation:	Approve
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Building Engineering:

Recommendation:	Comments Only
Notes:	Building Permit #23 309612, issued on December 11, 2023 to demolish a detached garage in the rear yard remains not finalized.

Legislative Approvals:

Recommendation:	No comments.
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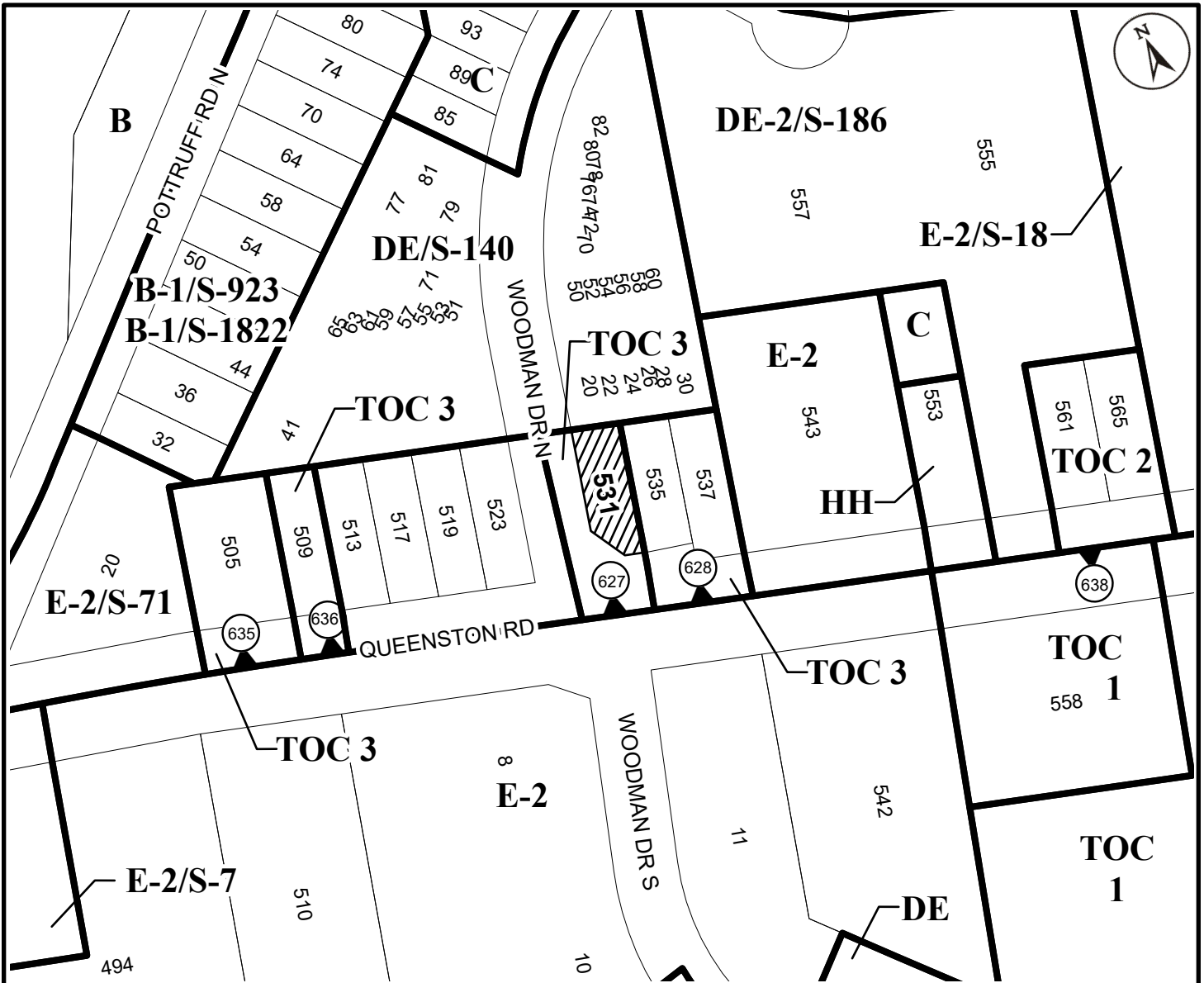
STAFF COMMENTS

HEARING DATE: February 13, 2024



Hamilton

Please Note: Public comment will be posted separately, if applicable.



● Site Location



Committee of Adjustment

Subject Property



531 Queenston Road, Hamilton (Ward 5)

File Name/Number:

HM/A-23:337

Date:

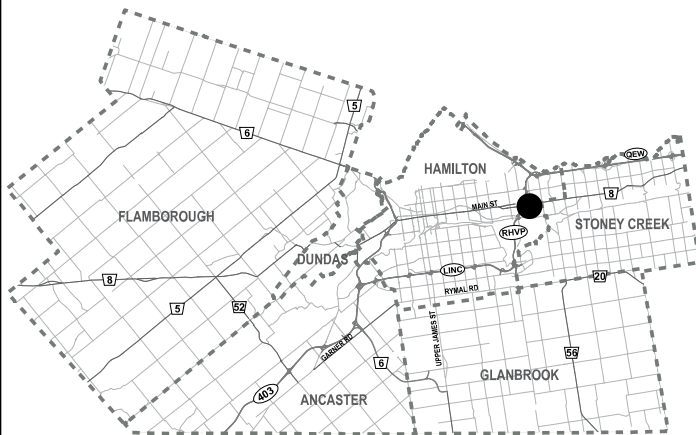
January 30, 2024

Technician:

AL

Map Not To Scale

Appendix "A"



City of Hamilton



Hamilton



Hamilton

HM/A-23:342 – 1227-1271 Barton Street East, Hamilton

Recommendation:

Development Planning - Approved

Proposed Conditions:

N/A

Proposed Notes:

N/A



Hamilton

Development Planning:

Background

The purpose of this application is to facilitate Site Plan application SPA-23-063.

The following variances are requested:

1. A minimum building height of 4.77 metres shall be permitted for the building proposed in “Block O”, instead of the 6.0 metre minimum building height required.
2. A minimum building height of 5.54 metres shall be permitted for the building proposed in “Block T2”, instead of the minimum 6.0 metre minimum building height required.

Background:

On November 15, 2023, Site Plan application SPA-23-063 was conditionally approved to permit two new restaurant buildings on the subject lands with gross floor areas of approximately 204.80 square metres and 235.20 square metres.

Urban Hamilton Official Plan:

The subject lands are identified as “Community Node” on Schedule E – Urban Structure and designated “Mixed Use - High Density” on Schedule E-1 – Urban Land Use Designations in the Urban Hamilton Official Plan.

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

The subject lands are zoned Mixed Use High Density (C4, 647) Zone, which permits the use of restaurants.

Analysis

	Proposed Variances	Comments
1.	A minimum building height of 4.77 metres shall be permitted for the building proposed in “Block O”, instead of the 6.0 metre minimum building height required.	The Mixed Use High Density (C4, 647) Zone permits the proposed restaurant uses with a minimum height requirement of 6.0 metres for commercial buildings containing a restaurant.
2.	A minimum building height of 5.54 metres shall be permitted for the building proposed in “Block T2”,	The proposed restaurants will be within commercial structures which have a parapet wall height greater than 6.0 metres. The

STAFF COMMENTS**HEARING DATE: February 13, 2024**

Hamilton

	<p>instead of the minimum 6.0 metre minimum building height required.</p>	<p>height of the proposed buildings does not conform with the definition of building height within the Zoning By-law.</p> <p>Staff notes that the height of the building for each restaurant is sufficient for the intended uses and will not have any adverse impacts to the use or it's surroundings.</p> <p>Staff support Variance 1 and 2.</p>
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Based on the preceding information, the requested variance maintains the general intent and purpose of the Urban Hamilton Official Plan and the City of Hamilton Zoning By-law No. 05-200. The variances are considered to be minor in nature and desirable for the appropriate use of the property.

Zoning:

Recommendation:	No comments.
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Development Engineering:

Recommendation:	No comments.
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Transportation Planning:

Recommendation:	Approve
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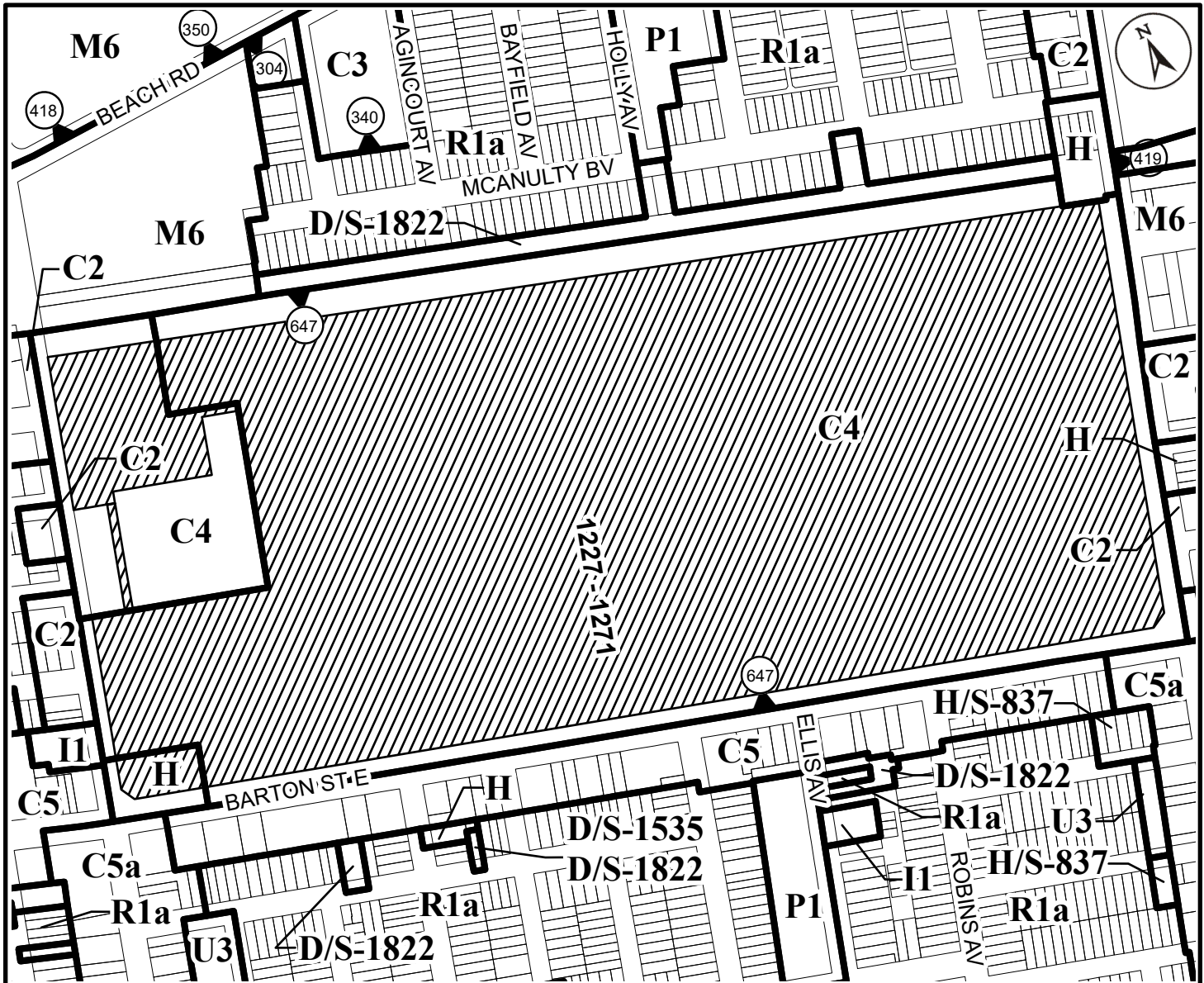
Building Engineering:

Recommendation:	Comments Only
Notes:	<p>Be advised that Ontario Building Code regulations may require specific setback and construction types.</p> <p>A building permit is required for the construction of the proposed two single-storey commercial retail units.</p>

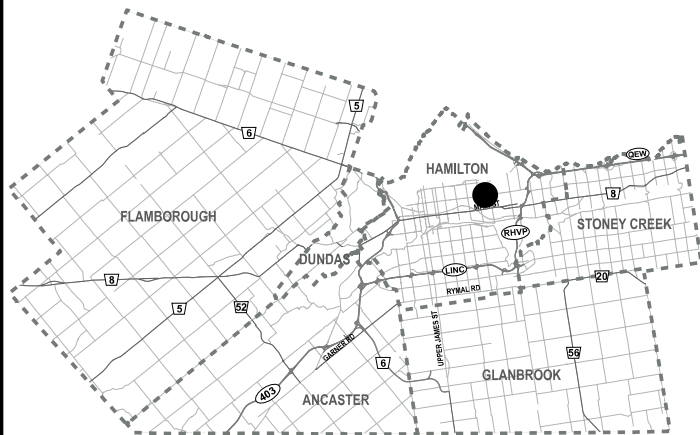
Legislative Approvals:

Recommendation:	No comments.
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Please Note: Public comment will be posted separately, if applicable.



● Site Location



City of Hamilton

Committee of Adjustment

Subject Property



1227 - 1271 Barton Street East,
Hamilton (Ward 4)

File Name/Number:
HM/A-23:342

Date:
January 30, 2024

Technician:
AL

Map Not To Scale

Appendix "A"



Hamilton



Hamilton

HM/A-23:350 – 193 Jaqueline Boulevard, Hamilton

Recommendation:

Development Planning - Approve

Proposed Conditions:

N/A

Proposed Notes:

N/A



Hamilton

Development Planning:

Background

The purpose of this application is to permit a roofed over patio within the rear yard of an existing Single Detached Dwelling.

The following variance is requested:

1. A minimum Rear Yard setback of 5.9 metres shall be provided instead of the minimum required Rear Yard Setback of 7.5 metres.

Urban Hamilton Official Plan

The subject lands are identified as “Neighbourhoods” on Schedule E – Urban Structure and designated “Neighbourhoods” on Schedule E-1 – Urban Land Use Designations in the Urban Hamilton Official Plan.

Former City of Hamilton Zoning By-law No. 6593

The subject lands are zoned “B-2” (Suburban Residential) District, which permits a single detached dwelling.

Analysis

The applicant is proposing minimum rear yard setback of 5.9 metres instead of the minimum required rear yard setback of 7.5 metres to accommodate a roofed over patio. The variance will not result in loss of rear yard amenity space. A roof over patio will enhance the useability and desirability of the amenity space. Staff do not foresee any negative impacts on adjacent properties with the reduction of the rear yard setback. The variance is minor and in keeping with the Zoning By-law. Staff support this variance.

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

Zoning:

Recommendation:	No comments.
Comments:	1. The City of Hamilton is continuing to develop Hamilton Zoning By-law 05-200 which encompasses the former City of Hamilton and the five (5) outlining municipalities. Please be advised that the next

STAFF COMMENTS**HEARING DATE: February 13, 2024**

Hamilton

	phase is the Residential Zones Project which will include Low Density Residential Zones. The subject property may be impacted by upcoming changes scheduled to be heard at the Planning Committee meeting of February 23, 2024.
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Development Engineering:

Recommendation:	No comments.
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Transportation Planning:

Recommendation:	No comments.
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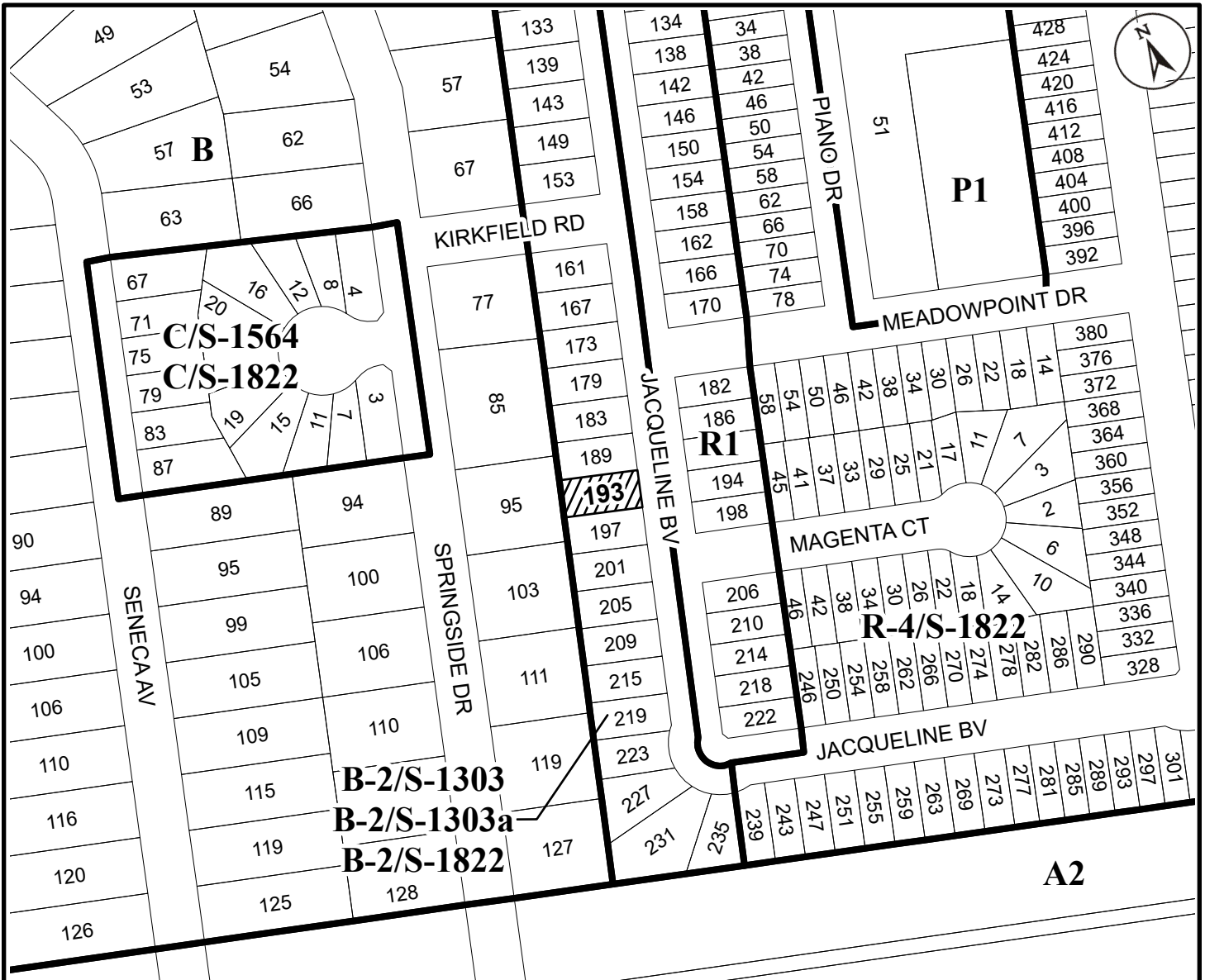
Building Engineering:

Recommendation:	Comments Only
Comments:	A building permit is required for the construction of the proposed roof over patio.

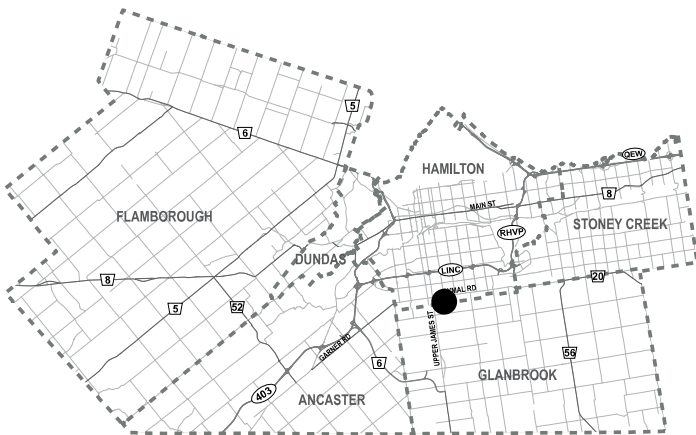
Legislative Approvals:

Recommendation:	No comments.
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Please Note: Public comment will be posted separately, if applicable.



● Site Location



City of Hamilton

Committee of Adjustment

Subject Property



193 Jaqueline Boulevard, Hamilton (Ward 8)

File Name/Number:
HM/A-23-350

Date:
January 30, 2024

Technician:
AL

Map Not To Scale

Appendix "A"



Hamilton