



Hamilton

## COMMITTEE OF ADJUSTMENT

City Hall, 5<sup>th</sup> floor, 71 Main Street West, Hamilton, ON L8P 4Y5  
Telephone (905) 546-2424, ext. 4221, 3935 Fax (905) 546-4202  
E-mail: [cofa@hamilton.ca](mailto:cofa@hamilton.ca)

# **NOTICE OF PUBLIC HEARING**

## **Application for Consent/Land Severance**

**APPLICATION NUMBER:** FL/B-21:43

**SUBJECT PROPERTY:** 198 Victoria St., Flamborough

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**You are receiving this notice because you are either:**

- Assessed owner of a property located within 60 metres of the subject property
  - Applicant/agent on file, or
  - Person likely to be interested in this application
- 

**APPLICANT(S):** Agent IBI Group  
Owner Jorasingh Purewal

**PURPOSE OF APPLICATION:** To permit the conveyance of a parcel of land and to retain a parcel of land for residential purposes.

**Severed lands:**  
15.2m<sup>±</sup> x 61.0m<sup>±</sup> and an area of 927.7m<sup>2±</sup>

**Retained lands:**  
29.64m<sup>±</sup> x 61.0m<sup>±</sup> and an area of 2082.7m<sup>2±</sup>

**This application will be heard in conjunction with  
Severance Application FL/B-21:44 and Minor  
Variance Application FL/A-21:204**

The Committee of Adjustment will hear this application on:

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**DATE:** Thursday, December 9th , 2021  
**TIME:** 1:15 p.m.  
**PLACE:** Via video link or call in (see attached sheet for details)

To be streamed at  
[www.hamilton.ca/committeeofadjustment](http://www.hamilton.ca/committeeofadjustment)  
for viewing purposes only

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### **PUBLIC INPUT**

**Written:** If you would like to submit written comments to the Committee of Adjustment you may do so via email or hardcopy. Please see attached page for complete instructions, including deadlines for submitting to be seen by the Committee.

**Orally:** If you would like to speak to this item at the hearing you may do so via video link or by calling in. Please see attached page for complete instructions, including deadlines for registering to participate.

## MORE INFORMATION

For more information on this matter, including access to drawings illustrating this request:

- Visit [www.hamilton.ca/committeeofadjustment](http://www.hamilton.ca/committeeofadjustment)
- Call 905-546-CITY (2489) or 905-546-2424 extension 4221, 4130, or 3935
- Email Committee of Adjustment staff at [cofa@hamilton.ca](mailto:cofa@hamilton.ca)

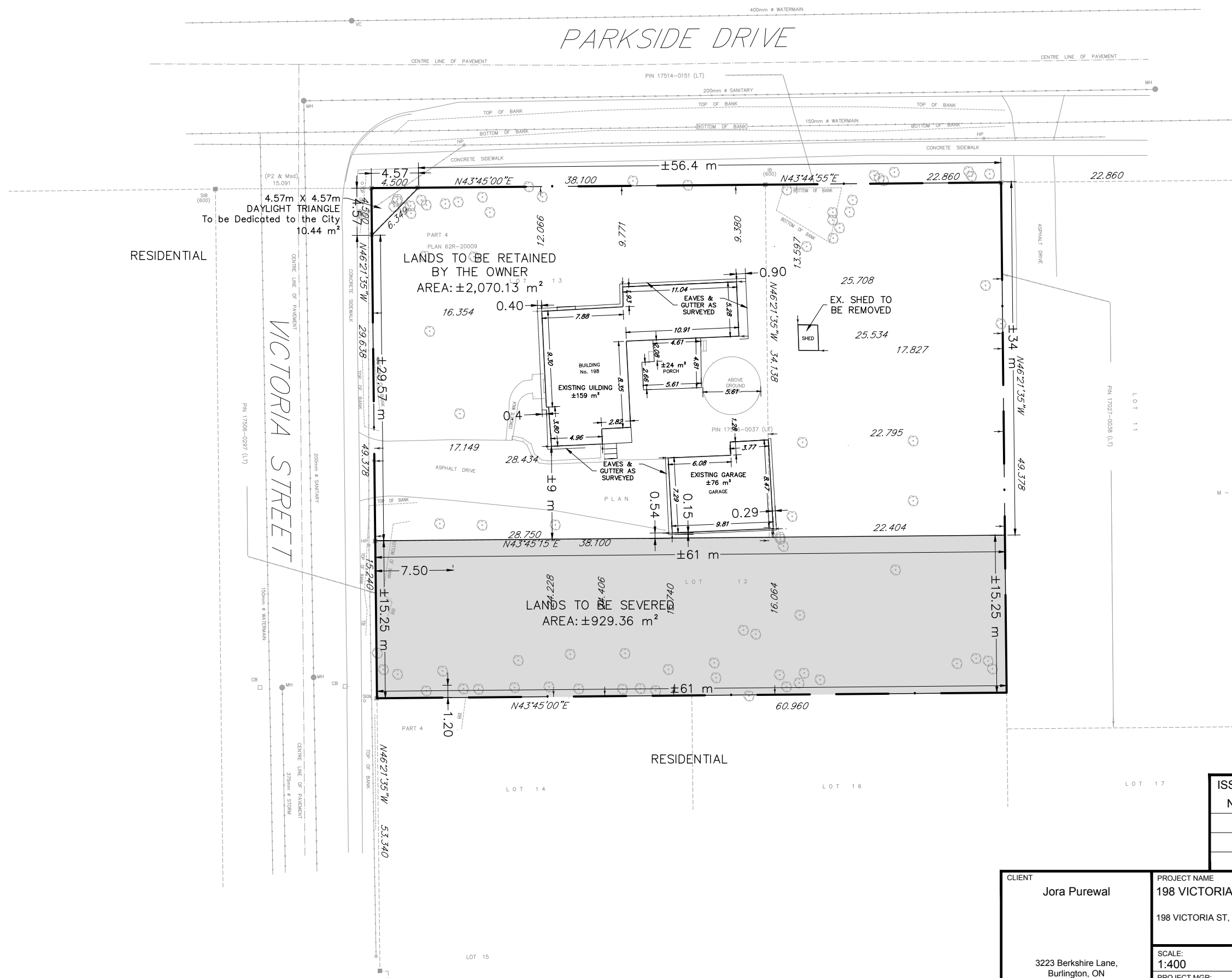
DATED: November 23rd, 2021

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Jamila Sheffield,  
Secretary-Treasurer  
Committee of Adjustment

***Information respecting this application is being collected under the authority of the Planning Act, R.S.O., 1990, c. P. 13. All comments and opinions submitted to the City of Hamilton on this matter, including the name, address, and contact information of persons submitting comments and/or opinions, will become part of the public record and will be made available to the Applicant and the general public.***





CLIENT  Jora Purewal     3223 Berkshire Lane, Burlington, ON	PROJECT NAME 198 VICTORIA ST  198 VICTORIA ST, WATERDOWN, ON		PRIME CONSULTANT <div></div> IBI GROUP Suite 200 - 360 James Street North Hamilton ON L8L 1H5 Canada tel 905 546 1010 fax 905 546 1011 ibigroup.com			
	SCALE: 1:400	DATE: 2021 03 01	FIGURE NAME CONSENT TO SEVER SKETCH 1		FIGURE NO.  1	REVISION  0
	PROJECT MGR: RH	DRAWN BY: M. ROJAS				
	CHECKED BY: JM	APPROVED BY: M. CROUGH				
	PROJECT NO: 126556					



## EXISTING TREE IDENTIFICATION TABLE

TREE NO. OR GRP	BOTANICAL NAME	COMMON NAME	DBH (cm)	CONDITION <sup>(2)</sup>	MINIMUM TREE PROTECTION ZONE (MTPZ) (m)	OWNERSHIP <sup>(3)</sup>	IMPACTS OF DEVELOPMENT <sup>(4)</sup>	RECOMMENDATION <sup>(5)</sup>	COMMENTS <sup>(6)</sup>
930	ACER SACHHARIUM	SUGAR MAPLE	63.5	G	4.2	S	NONE	P	DEAD TREE IN MUNICIPAL R.O.W.
931	ACER SACHHARIUM	SUGAR MAPLE	57.0	G	3.6	S	LIMITED: BUILDING DEVELOPMENT	R	
932	ACER SACHHARIUM	SUGAR MAPLE	63.5	G	4.2	S	IMPACTED: BUILDING DEVELOPMENT	R	
933	ACER PLATANOIDES	NORWAY MAPLE	22.5	F	2.4	S	LIMITED: BUILDING DEVELOPMENT	P	
934	PICEA ABIES	NORWAY SPRUCE	40.0	F	2.4	S	NONE	P	
935	PICEA ABIES	NORWAY SPRUCE	20.5	F	2.4	S	NONE	P	
936	PICEA ABIES	NORWAY SPRUCE	22.5	F	2.4	S	LIMITED: BUILDING DEVELOPMENT	P	
937	PLATANUS OCCIDENTALIS	SYCAMORE	43.5	F	3.0	S	LIMITED: BUILDING DEVELOPMENT	P	
938	PICEA ABIES	NORWAY SPRUCE	33.0	F	2.4	S	LIMITED: BUILDING DEVELOPMENT	P	
939	PICEA ABIES	NORWAY SPRUCE	36.0	F	2.4	S	IMPACTED: BUILDING DEVELOPMENT	R	
940	PICEA ABIES	NORWAY SPRUCE	32.5	F	2.4	S	IMPACTED: BUILDING DEVELOPMENT	R	
941	PRUNUS SEROTINA	BLACK CHERRY	35.5	F	2.4	S	IMPACTED: BUILDING DEVELOPMENT	R	
942	PICEA ABIES	NORWAY SPRUCE	52.0	F	3.6	S	IMPACTED: BUILDING DEVELOPMENT	R	
943	PICEA ABIES	NORWAY SPRUCE	24.5	F	2.4	S	IMPACTED: BUILDING DEVELOPMENT	R	
944	PICEA ABIES	NORWAY SPRUCE	40.5	F	2.4	S	IMPACTED: BUILDING DEVELOPMENT	R	
945	PICEA ABIES	NORWAY SPRUCE	26.5	F	2.4	S	IMPACTED: BUILDING DEVELOPMENT	R	
946	PICEA ABIES	NORWAY SPRUCE	58.0	F	3.6	S	IMPACTED: BUILDING DEVELOPMENT	R	
947	PICEA ABIES	NORWAY SPRUCE	43.5	F	3.6	S	IMPACTED: BUILDING DEVELOPMENT	R	
948	ACER SACHHARIUM	SUGAR MAPLE	14.5	G	2.4	S	IMPACTED: BUILDING DEVELOPMENT	R	
949	ACER SACHHARIUM	SUGAR MAPLE	15.0	F	2.4	S	IMPACTED: BUILDING DEVELOPMENT	R	
950	PICEA ABIES	NORWAY SPRUCE	22.5	F	2.4	S	LIMITED: BUILDING DEVELOPMENT	P	
951	ACER SACHHARIUM	SUGAR MAPLE	11.5	F	2.4	S	IMPACTED: BUILDING DEVELOPMENT	R	
952	ACER SACHHARIUM	SUGAR MAPLE	13.5	F	2.4	S	IMPACTED: BUILDING DEVELOPMENT	R	
953	ACER SACHHARIUM	SUGAR MAPLE	10.5	F	1.8	S	IMPACTED: BUILDING DEVELOPMENT	R	
954	ACER SACHHARIUM	SUGAR MAPLE	11.5	F	2.4	S	LIMITED: BUILDING DEVELOPMENT	P	
955	ACER SACHHARIUM	SUGAR MAPLE	14.0	F	2.4	S	LIMITED: BUILDING DEVELOPMENT	P	
956	PICEA ABIES	NORWAY SPRUCE	25.0	F	2.4	S	LIMITED: BUILDING DEVELOPMENT	P	
957	PICEA ABIES	NORWAY SPRUCE	25.5	F	2.5	S	LIMITED: BUILDING DEVELOPMENT	P	
958	PICEA ABIES	NORWAY SPRUCE	50.5	F	3.0	S	LIMITED: BUILDING DEVELOPMENT	P	
959	ACER SACHHARIUM	SUGAR MAPLE	16.5	F	2.4	S	LIMITED: BUILDING DEVELOPMENT	P	
960	ACER SACHHARIUM	SUGAR MAPLE	14.5	F	2.4	S	LIMITED: BUILDING DEVELOPMENT	P	
961	ACER SACHHARIUM	SUGAR MAPLE	13.5	F	2.4	S	LIMITED: BUILDING DEVELOPMENT	P	
962	ACER PLATANOIDES	NORWAY MAPLE	39.0	F	2.4	S	LIMITED: BUILDING DEVELOPMENT	P	
963	ACER PLATANOIDES	NORWAY MAPLE	36.5	F	2.4	S	NONE	P	
964	PICEA ABIES	NORWAY SPRUCE	22.0	F	2.4	S	LIMITED: BUILDING DEVELOPMENT	P	
965	ACER SACHHARIUM	SUGAR MAPLE	17.0	F	2.4	S	LIMITED: BUILDING DEVELOPMENT	P	
966	ACER SACHHARIUM	SUGAR MAPLE	15.0	F	2.4	S	LIMITED: BUILDING DEVELOPMENT	P	
967	ACER SACHHARIUM	SUGAR MAPLE	10.0	F	1.8	S	LIMITED: BUILDING DEVELOPMENT	P	
968	ACER SACHHARIUM	SUGAR MAPLE	12.5	F	2.4	S	LIMITED: BUILDING DEVELOPMENT	P	
969	PICEA ABIES	NORWAY SPRUCE	49.5	F	3.0	S	LIMITED: BUILDING DEVELOPMENT	P	
970	PICEA ABIES	NORWAY SPRUCE	61.5	F	4.2	S	LIMITED: BUILDING DEVELOPMENT	P	
971	PICEA ABIES	NORWAY SPRUCE	39.0	F	2.4	S	LIMITED: BUILDING DEVELOPMENT	P	
972	PICEA ABIES	NORWAY SPRUCE	43.0	F	3.0	S	LIMITED: BUILDING DEVELOPMENT	P	
973	PICEA ABIES	NORWAY SPRUCE	29.5	F	2.4	S	LIMITED: BUILDING DEVELOPMENT	P	
974	PICEA ABIES	NORWAY SPRUCE	55.0	F	3.6	S	NONE	P	
975	MORUS SPP.	MULBERRY TREE	15.0	F	2.4	S	NONE	P	
976	MORUS SPP.	MULBERRY TREE	11.0	P	2.4	S	NONE	P	
977	MORUS SPP.	MULBERRY TREE	21.0	F	2.4	S	NONE	P	
978	TILIA AMERICANA	BASSWOOD	17.0	G	2.4	S	NONE	P	
979	MORUS SPP.	MULBERRY TREE	47.5	F	3.0	S	LIMITED: BUILDING DEVELOPMENT	P	
980	ACER PLATANOIDES	NORWAY MAPLE	37.0	G	2.4	S	LIMITED: BUILDING DEVELOPMENT	P	
981	MALUS SPP.	CRABAPPLE TREE	30.0	P	2.4	S	LIMITED: BUILDING DEVELOPMENT	P	
982	ACER SACHHARIUM	SUGAR MAPLE	24.5	F	2.4	S	LIMITED: BUILDING DEVELOPMENT	P	
983	ACER SACHHARIUM	SUGAR MAPLE	21.0	G	2.4	S	IMPACTED: BUILDING DEVELOPMENT	R	
984	ACER NEGUNDO	MANITOBA MAPLE	22.5	G	2.4	S	IMPACTED: BUILDING DEVELOPMENT	R	
985	ACER NEGUNDO	MANITOBA MAPLE	20.5	F	2.4	S	LIMITED: BUILDING DEVELOPMENT	P	
986	TILIA AMERICANA	BASSWOOD	18.0	F	2.4	S	NONE	P	
988	MORUS SPP.	MULBERRY TREE	20.5	G	2.4	S	LIMITED: BUILDING DEVELOPMENT	P	
989	PICEA PUNGENS	BLUE SPRUCE	36.0	F	2.4	S	IMPACTED: BUILDING DEVELOPMENT	R	
990	PICEA PUNGENS	BLUE SPRUCE	30.5	F	2.4	S	IMPACTED: BUILDING DEVELOPMENT	R	
991	RHAMNUS CATHARTICA	BUCKTHORN	35.0	F	2.4	S	IMPACTED: BUILDING DEVELOPMENT	R	INVASIVE SPECIES; CLUMP
992	RHAMNUS CATHARTICA	BUCKTHORN	30.0	F	2.4	S	IMPACTED: DRIVEWAY	R	INVASIVE SPECIES; CLUMP
993	ACER SACHHARIUM	SUGAR MAPLE	14.5	F	2.4	S	IMPACTED: DRIVEWAY	R	

## EXISTING TREE IDENTIFICATION TABLE

TREE NO. OR GRP	BOTANICAL NAME	COMMON NAME	DBH (cm)	CONDITION <sup>(2)</sup>	MINIMUM TREE PROTECTION ZONE (MTPZ) (m)	OWNERSHIP <sup>(3)</sup>	IMPACTS OF DEVELOPMENT <sup>(4)</sup>	RECOMMENDATION <sup>(5)</sup>	COMMENTS <sup>(6)</sup>
994	ACER SACHHARIUM	SUGAR MAPLE	23.0	F	2.4	S	IMPACTED: DRIVEWAY	R	
995	ACER SACHHARIUM	SUGAR MAPLE	17.0	F	2.4	S	IMPACTED: DRIVEWAY	R	
996	RHAMNUS CATHARTICA	BUCKTHORN	18.0	F	2.4	S	IMPACTED: DRIVEWAY	R	
997	ACER SACHHARIUM	SUGAR MAPLE	27.0	F	2.4	S	LIMITED: DRIVEWAY	P	
998	ACER SACHHARIUM	SUGAR MAPLE	23.5	F	2.4	S	NONE	P	
999	ACER SACHHARIUM	SUGAR MAPLE	15.5	F	2.4	S	NONE	P	
1000	ACER SACHHARIUM	SUGAR MAPLE	12.0	F	2.4	S	NONE	P	
1001	ACER PLATANOIDES	NORWAY MAPLE	18.0	F	2.4	S	NONE	P	
1002	ACER SACHHARIUM	SUGAR MAPLE	27.0	F	2.4	S	NONE	P	
1003	ACER SACHHARIUM	SUGAR MAPLE	20.5	F	2.4	S	NONE	P	
1004	ACER SACHHARIUM	SUGAR MAPLE	23.5	F	2.4	S	NONE	P	
1005	ACER SACHHARIUM	SUGAR MAPLE	24.0	F	2.4	S	NONE	P	
1006	ACER SACHHARIUM	SUGAR MAPLE	13.5	F	2.4	S	NONE	P	
1007	MORUS SPP.	MULBERRY TREE	17.0	F	2.4	S	LIMITED: BUILDING DEVELOPMENT	P	CLUMP
1008	PICEA ABIES	NORWAY SPRUCE	37.0	F	2.4	S	NONE	P	SLIGHT LEAN
1009	PICEA ABIES	NORWAY SPRUCE	44.5	F	3.0	S	NONE	P	
1010	ACER SACHHARIUM	SUGAR MAPLE	75.0	F	4.8	S	NONE	P	
1011	TILIA AMERICANA	BASSWOOD	43.0	F	3.0	S	NONE	P	SLIGHT LEAN
1012	PICEA GLAUCA	WHITE SPRUCE	46.0	F	3.0	S	NONE	P	
1013	PICEA GLAUCA	WHITE SPRUCE	27.5	F	2.4	S	NONE	P	
1014	PICEA GLAUCA	WHITE SPRUCE	44.0	F	3.0	S	NONE	P	
1015	ACER SACHHARIUM	SUGAR MAPLE	12.0	F	2.4	S	NONE	P	
1016	ACER SACHHARIUM	SUGAR MAPLE	60.5	F	3.6	S	NONE	P	
1017	CERCIS CANADENSIS	EASTERN REDBUD	10.0	F	1.8	S	NONE	P	
1018	MORUS SPP.	MULBERRY TREE	13.0	F	2.4	S	NONE	P	
1019	MORUS SPP.	MULBERRY TREE	19.0	F	2.4	S	NONE	P	
1020	ACER SACHHARIUM	SUGAR MAPLE	11.5	F	2.4	S	NONE	P	
1021	ACER SACHHARIUM	SUGAR MAPLE	11.0	F	2.4	S	NONE	P	
1022	ACER SACHHARIUM	SUGAR MAPLE	11.0	F	2.4	S	NONE	P	
1023	ACER SACHHARIUM	SUGAR MAPLE	12.0	F	2.4	S	NONE	P	
1024	JUNIPERUS VIRGINIANA	EASTERN RED CEDAR	19.0	F	2.4	S	NONE	P	
1025	ACER SACHHARIUM	SUGAR MAPLE	11.5	F	2.4	S	NONE	P	
1026	RHAMNUS CATHARTICA	BUCKTHORN	19.0	F	2.4	S	NONE	P	
1027	PINUS STROBUS	EASTERN WHITE PINE	44.5	F	3.0	S	NONE	P	
1028	TILIA AMERICANA	BASSWOOD	61.5	F	4.2	S	NONE	P	
1029	QUERCUS RUBRA	RED OAK	51.0	F	3.6	S	NONE	P	
3001	PICEA ABIES	NORWAY SPRUCE	30.0	F	2.4	S	NONE	P	
3002	ACER SACHHARIUM	SUGAR MAPLE	25.0	F	2.4	A	NONE	P	
3003	ACER SACHHARIUM	SUGAR MAPLE	14.0	F	2.4	A	NONE	P	
3004	ACER PLATANOIDES	NORWAY MAPLE	45.0	G	3.0	A	NONE	P	
G1	THUJA OCCIDENTALIS	EASTERN WHITE CEDAR	13.0	G	2.4	S	NONE	P	3 UNITS

- (1) Trees recommended for PRESERVING in SHADED BOXES
- (2) Condition: Good (G) - dead branches less than 10%; signs of good compartmentalization on any wounds; no structural defects  
Fair (F) - 10-30% dead branches; size or occurrence of wounds present some concerns; minor structural defects  
Poor (P) - more than 30% dead branches; weak compartmentalization; early leaf drop; presence of insects or disease; major structural defects  
Dead (D) - tree shows no signs of life
- (3) Ownership: S - Subject Site  
M - Municipality  
A - Adjacent Site
- (4) Impacts: NONE - no construction activity occurs at or within the dripline of a tree.  
LIMITED: XXX - construction activity occurs at or within the dripline of a tree, but is not likely to lead to tree death in the short term (5-10 years) if precautionary measures are taken; this may require root pruning.  
IMP(ACTED): XXX - construction activity (XXX = structures, fencing, trenching, grading, etc) which requires the direct removal of a tree or occurs within a significant portion of the canopy/roots zone, such that the activity will significantly affect tree health leading to death in the short term
- (5) Recommendation: Preserve, Remove, Transplant
- (6) Comments based on tree health, condition, structure and existing physical constraints; recommendations for pruning or decompaction.

CLIENT

JORA PUREWAL

3223 BERKSHIRE LANE  
BURLINGTON, ONTARIO

## COPYRIGHT

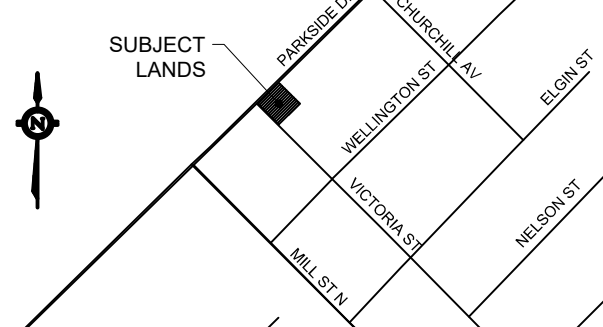
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**IBI Group Professional Services (Canada) Inc.**  
is a member of the IBI Group of companies.

## ISSUES

No.	DESCRIPTION	DATE
1	MINOR VARIANCE AND CONSENT	2021-10-21

## KEY PLAN



## CONSULTANTS

**NOT FOR CONSTRUCTION**

## SEAL



## PRIME CONSULTANT

**IBI GROUP**  
Suite 200 - 360 James Street North  
Hamilton ON L8L 1H5 Canada  
tel 905 546 1010 fax 905 546 1011  
ibigroup.com

## PROJECT

198 VICTORIA STREET

198 VICTORIA STREET  
WATERDOWN, ONPROJECT NO:  
126556DRAWN BY:  
**Z. BROWN**CHECKED BY:  
**T. O'BRIEN**PROJECT MGR:  
**R. HAIDER**APPROVED BY:  
**M. CROUGH**

## SHEET TITLE

TREE IDENTIFICATION TABLE

## SHEET NUMBER

TPD-1

## ISSUE

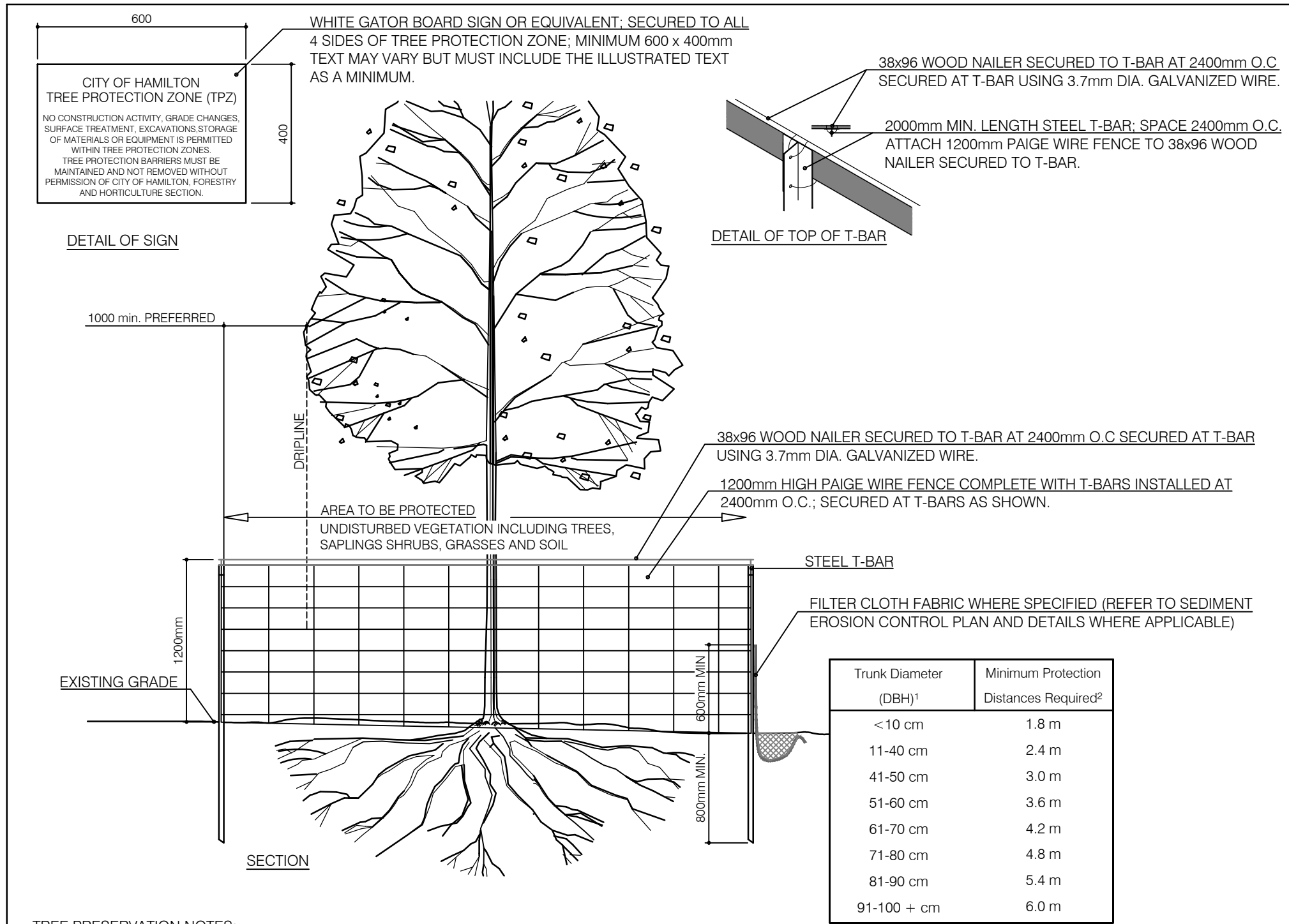
1

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## EXISTING TREE INVENTORY TABLE

TPD-1

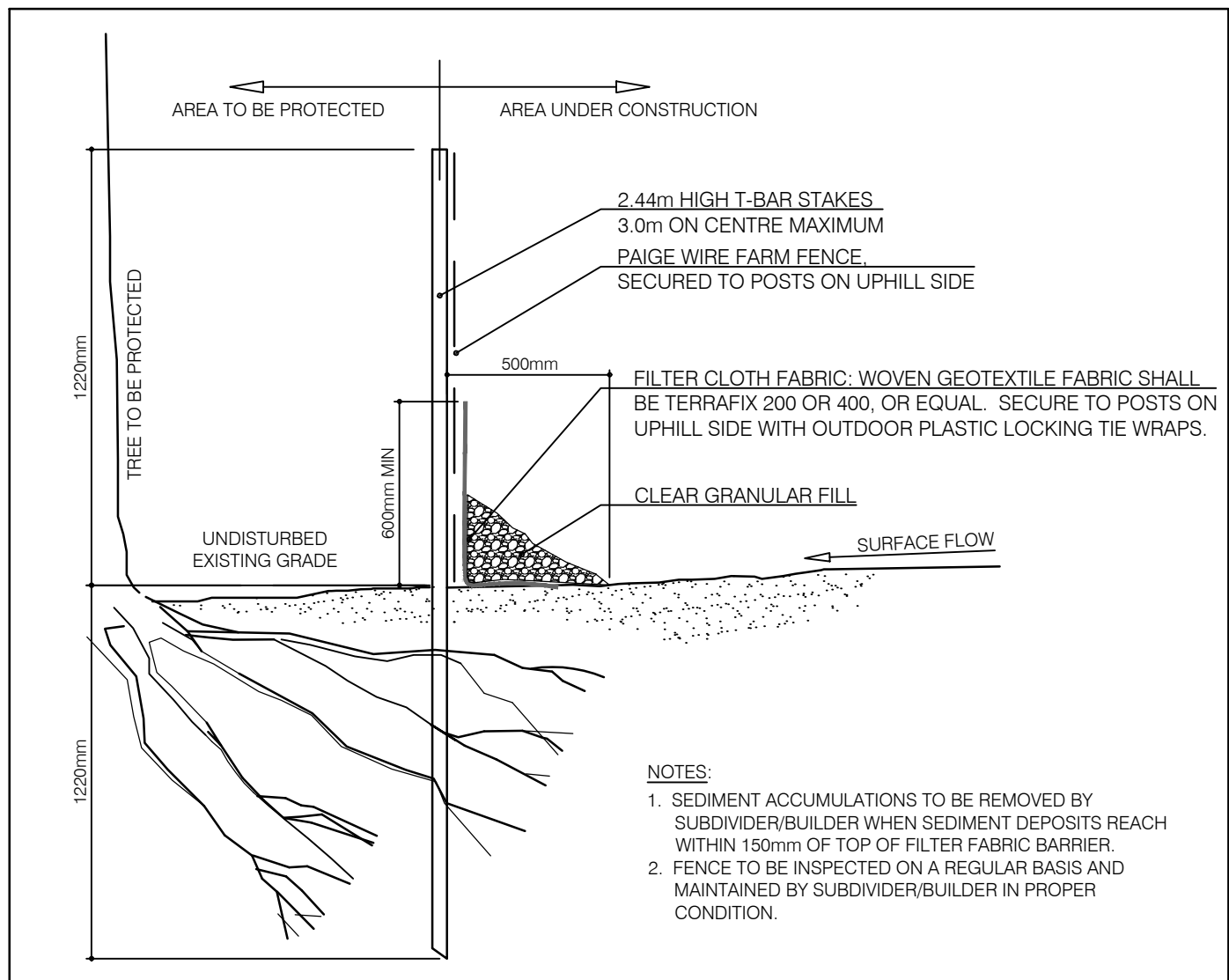
N.T.S.



TREE PRESERVATION NOTES:

1. ALL EXISTING TREES TO REMAIN ON SITE, OR ON ADJACENT PROPERTIES, SHALL BE TAGGED AND FULLY PROTECTED WITH FENCING BEYOND THEIR DRIPLINE TO THE SATISFACTION OF THE CITY. TREE PROTECTION ZONES MAY BE EXPANDED AS REQUIRED BASED ON THE SPECIES OF THE TREE. THESE BARRIERS ARE CREATED TO PROTECT THE ROOTS, TRUNKS AND BRANCHES DURING DEVELOPMENT, AS WELL AS THE UNDERSTOREY AND GROUNDCOVERS. SMALL LOT BY LOT TREE PROTECTION REQUIRES SNOW FENCING WITH METAL POST ENCLOSURES. LONG TERM DEVELOPMENT CONSTRUCTION REQUIRES SPECIAL PAIGE WIRE FENCING OR PLYWOOD TO A MINIMUM HEIGHT OF 1.2m.
2. FENCES SHALL BE LOCATED AT A MINIMUM OF 0.5 TIMES THE CROWN RADIUS OF THE TREE FROM THE DRIPLINE, 360 DEGREES AROUND THE PERIMETER OF INDIVIDUAL OR CLUSTERED TREES.
3. AREAS WITHIN THE TREE PROTECTION ZONE SHALL NOT BE USED FOR THE STORAGE OF BUILDING MATERIALS, STRUCTURES OR EQUIPMENT. THIS TREE PROTECTION ZONE SHALL BE COMPLETED PRIOR TO THE COMMENCEMENT OF SITE CLEARANCE, DEMOLITION, OR ANY TYPE OF CONSTRUCTION.
4. SURPLUS SOIL, EQUIPMENT, VEHICLES, TOOLS, DEBRIS OR MATERIALS SHALL NOT BE PLACED OVER THE ROOT SYSTEMS OF THE TREES WITHIN THE TREE PROTECTION ZONE. NO CONTAMINANTS SHALL BE DUMPED OR FLUSHED WHERE FEEDER ROOTS OF TREES EXIST.
5. TREE ROOTS TYPICALLY SPREAD WELL BEYOND THE DRIPLINE OF TREES, UP TO 3.5 TIMES THE DRIPLINE RADIUS, AND ARE LOCATED PREDOMINANTLY IN THE TOP 30CM OF SOIL. AS THIS AREA IS NOT PROTECTED, ACTIVITY SHOULD BE KEPT TO A MINIMUM TO PREVENT ROOT DAMAGE AND SOIL COMPACTION. WHERE ROOT SYSTEMS OF TREES ARE EXPOSED OR DAMAGED BY CONSTRUCTION WORK, THE CITY MUST BE ADVISED FIRST BEFORE THE ROOTS ARE TRIMMED NEATLY AND THE AREA BACK-FILLED WITH TOPSOIL.
6. EQUIPMENT SHALL NOT COMPACT SOIL OVER THE ROOT ZONE OF EXISTING TREES, TO AVOID DAMAGE TO TREES THAT AREA TO BE PROTECTED, ACCESS ROUTES MUST BE ESTABLISHED AWAY FROM PROTECTED AREAS. ALL ACCESS ROUTES REGARDLESS OF HOW TEMPORARY, MUST BE IDENTIFIED AND APPROVED BY THE CITY.
7. WRITTEN PERMISSION MUST BE OBTAINED FROM THE CITY PRIOR TO COMMENCING WORK SUCH AS TUNNELING, TORPEDOING, DIGGING OR TRENCHING WITHIN THE DRIPLINE OF ANY TREE TO MINIMIZE ROOT INJURY AND AVOID SOIL COMPACTION.
8. WHEREVER POSSIBLE AVOID CUTTING SURFACE ROOTS. DURING EXCAVATION IF ROOT CUTS ARE NECESSARY, IT SHOULD BE DONE QUICKLY, MAKING FLUSH CUTS WHILE SUPERVISED BY AN INSPECTING CITY FORESTRY REPRESENTATIVE. THE ROOTS SHALL BE BACKFILLED AND WATERED BEFORE THEY HAVE A CHANCE TO DRY OUT. WHERE ROOTS REQUIRE REMOVAL, THERE MAY BE A SUBSEQUENT DECLINE WITHIN THE TREE CANOPY. BRANCHES SHOULD ONLY BE REMOVED IF DIEBACK OCCURS.
9. WHERE LIMBS OR PORTIONS OF TREES ARE DAMAGED OR MUST BE REMOVED FROM CITY OWNED TREES TO ACCOMMODATE CONSTRUCTION WORK, CITY FORESTRY PERSONNEL, IN ACCORDANCE WITH ACCEPTED ARBORICULTURE PRACTICES, WILL REMOVE THEM. MEASURES SHALL BE TAKEN TO PREVENT ANY FURTHER DAMAGE.
10. UNLESS AUTHORIZED, ALL INDIVIDUALS SHALL AVOID DISTURBING ORIGINAL GRADES AROUND TREES IN AREAS OF THE TREE PROTECTION ZONE. IN ADDITION, ROAD GRADES SHOULD MATCH TOPOGRAPHY AT THE CURB LINES TO MAXIMIZE TREE RETENTION IN BOULEVARD AND FRONT YARDS. IF GRADES AROUND PROTECTED TREES ARE LIKELY TO CHANGE, THE DEVELOPER AND THEIR AGENTS SHALL BE REQUIRED TO TAKE SUCH PRECAUTIONS AS DRY WELLING, RETAINING WALLS AND ROOT FEEDING TO THE SATISFACTION OF THE CITY.
11. NO CABLES, ROPES SHALL BE WRAPPED AROUND OR INSTALLED IN OR ON ANY TREE THAT IS TO REMAIN AFTER CONSTRUCTION. NOR SHALL IT HAVE SIGNS OR FENCES NAILED TO IT, OR SURVEY MARKINGS OR PAINT APPLIED TO IT.
12. ALL VEGETATION WITHIN THE TREE PROTECTION ZONE, INCLUDING TREES, SHRUBS, GRASSES ARE TO BE WATERED, AND MAINTAINED TO AN ACCEPTABLE LEVEL AS REQUIRED.
13. THE CITY SHALL BE NOTIFIED TO INSPECT ALL TREE PROTECTION ZONES. THESE MEASURES SHALL REMAIN IN EFFECT UNTIL THE COMPLETION OF THE WORK, AT WHICH TIME AUTHORIZATION FROM THE CITY MUST BE OBTAINED BEFORE REMOVAL.
14. THE CITY MUST BE NOTIFIED IMMEDIATELY WHEN ANY MUNICIPALLY OWNED TREE IS INJURED OR DESTROYED DURING CONSTRUCTION OR DEVELOPMENT.

2 TREE PRESERVATION FENCING  
TPD-2 N.T.S



3 EROSION CONTROL AND SEDIMENTATION FENCING  
TPD-2 N.T.S

CLIENT

JORA PUREWAL

3223 BERKSHIRE LANE  
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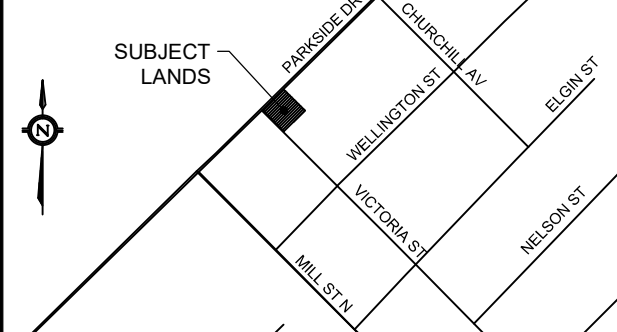
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IBI Group Professional Services (Canada) Inc.  
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ISSUES

No.	DESCRIPTION	DATE
1	MINOR VARIANCE AND CONSENT	2021-10-21

KEY PLAN



CONSULTANTS

NOT FOR CONSTRUCTION

SEAL



PRIME CONSULTANT

IBI GROUP  
Suite 200 - 360 James Street North  
Hamilton ON L8L 1H5 Canada  
tel 905 546 1010 fax 905 546 1011  
ibigroup.com

PROJECT

198 VICTORIA STREET

198 VICTORIA STREET  
WATERDOWN, ON

PROJECT NO:  
126556

DRAWN BY:  
Z. BROWN

CHECKED BY:  
T. O'BRIEN

PROJECT MGR:  
R. HAIDER

APPROVED BY:  
M. CROUGH

SHEET TITLE

TREE PROTECTION DETAILS

SHEET NUMBER

TPD-2

ISSUE

1



Hamilton

**Committee of Adjustment**

City Hall, 5<sup>th</sup> Floor,  
71 Main St. W.,  
Hamilton, ON L8P4Y5

Phone: (905) 546-2424 ext. 4221

Email: [cofa@hamilton.ca](mailto:cofa@hamilton.ca)

**APPLICATION FOR CONSENT TO SEVER LAND  
UNDER SECTION 53 OF THE PLANNING ACT**

**Office Use Only**

Date Application Received:	Date Application Deemed Complete:	Submission No.:	File No.:
----------------------------	-----------------------------------	-----------------	-----------

**1 APPLICANT INFORMATION**

1.1, 1.2	NAME	ADDRESS	
<b>Registered Owners(s)</b>	Jorasingh Purewal	[REDACTED]	<b>Phone:</b> <b>E-mail:</b>
<b>Applicant(s)*</b>			<b>Phone:</b> <b>E-mail:</b>
<b>Agent or Solicitor</b>	IBI Group c/o Mike Crough	[REDACTED]	

\* Owner's authorisation required if the applicant is not the owner.

1.3 All correspondence should be sent to ☐ Owner ☐ Applicant ☒ Agent/Solicitor

**2 LOCATION OF SUBJECT LAND** Complete the applicable lines

2.1 Area Municipality Hamilton	Lot	Concession	Former Township Flamborough
Registered Plan N°. M-5	Lot(s) 12 & 13	Reference Plan N°. 62R20009	Part(s) 1
Municipal Address 198 Victoria St, Waterdown, ON			Assessment Roll N°.

2.2 Are there any easements or restrictive covenants affecting the subject land?

☐ Yes ☒ No

If YES, describe the easement or covenant and its effect:

**3 PURPOSE OF THE APPLICATION**

3.1 Type and purpose of proposed transaction: (check appropriate box)

a) Urban Area Transfer (do not complete Section 10):

☒ creation of a new lot

Other: ☐ a charge

- ☐ addition to a lot  
☐ an easement

- ☐ a lease  
☐ a correction of title

b) **Rural Area / Rural Settlement Area Transfer (Section 10 must be completed):**

- ☐ creation of a new lot  
☐ creation of a new non-farm parcel  
 (i.e. a lot containing a surplus farm dwelling  
 resulting from a farm consolidation)  
☐ addition to a lot

- Other: ☐ a charge  
☐ a lease  
☐ a correction of title  
☐ an easement

3.2 Name of person(s), if known, to whom land or interest in land is to be transferred, leased or charged:

unknown

3.3 If a lot addition, identify the lands to which the parcel will be added:

**4 DESCRIPTION OF SUBJECT LAND AND SERVICING INFORMATION**

4.1 Description of land intended to be **Severed**:

Frontage (m) ±15.2	Depth (m) ±61.0	Area (m <sup>2</sup> or ha) ±927.7 m <sup>2</sup>
-----------------------	--------------------	------------------------------------------------------

Existing Use of Property to be severed:

- ☒ Residential  
☐ Agriculture (includes a farm dwelling)  
☐ Other (specify) \_\_\_\_\_
- ☐ Industrial  
☐ Agricultural-Related  
☐ Commercial  
☐ Vacant

Proposed Use of Property to be severed:

- ☒ Residential  
☐ Agriculture (includes a farm dwelling)  
☐ Other (specify) \_\_\_\_\_
- ☐ Industrial  
☐ Agricultural-Related  
☐ Commercial  
☐ Vacant

Building(s) or Structure(s):

Existing: none

Proposed: single detached dwelling

Type of access: (check appropriate box)

- ☐ provincial highway  
☐ municipal road, seasonally maintained  
☒ municipal road, maintained all year
- ☐ right of way  
☐ other public road

Type of water supply proposed: (check appropriate box)

- ☒ publicly owned and operated piped water system  
☐ privately owned and operated individual well
- ☐ lake or other water body  
☐ other means (specify) \_\_\_\_\_

Type of sewage disposal proposed: (check appropriate box)

- ☒ publicly owned and operated sanitary sewage system  
☐ privately owned and operated individual septic system  
☐ other means (specify) \_\_\_\_\_

4.2 Description of land intended to be **Retained**:

Frontage (m) 29.64	Depth (m) ±61.0	Area (m <sup>2</sup> or ha) ±2082.7 m <sup>2</sup>
-----------------------	--------------------	-------------------------------------------------------

Existing Use of Property to be retained:

- ☒ Residential  
☐ Agriculture (includes a farm dwelling)  
☐ Other (specify) \_\_\_\_\_
- ☐ Industrial  
☐ Agricultural-Related  
☐ Commercial  
☐ Vacant

Proposed Use of Property to be retained:

- ☒ Residential ☐ Industrial ☐ Commercial  
☐ Agriculture (includes a farm dwelling) ☐ Agricultural-Related ☐ Vacant  
☐ Other (specify) \_\_\_\_\_

Building(s) or Structure(s):

Existing: 2 storey single detached dwelling & 1 storey detached garage

Proposed: none

Type of access: (check appropriate box)

- ☐ provincial highway ☐ right of way  
☐ municipal road, seasonally maintained ☐ other public road  
☒ municipal road, maintained all year

Type of water supply proposed: (check appropriate box)

- ☒ publicly owned and operated piped water system ☐ lake or other water body  
☐ privately owned and operated individual well ☐ other means (specify) \_\_\_\_\_

Type of sewage disposal proposed: (check appropriate box)

- ☒ publicly owned and operated sanitary sewage system  
☐ privately owned and operated individual septic system  
☐ other means (specify) \_\_\_\_\_

4.3 Other Services: (check if the service is available)

- ☒ electricity ☒ telephone ☐ school bussing ☒ garbage collection

## 5 CURRENT LAND USE

5.1 What is the existing official plan designation of the subject land?

Rural Hamilton Official Plan designation (if applicable): \_\_\_\_\_

Urban Hamilton Official Plan designation (if applicable) Neighbourhood \_\_\_\_\_

Please provide an explanation of how the application conforms with a City of Hamilton Official Plan.

Please see attached justification

5.2 What is the existing zoning of the subject land?

If the subject land is covered by a Minister's zoning order, what is the Ontario Regulation Number? Urban Residential Exception R1-5

5.3 Are any of the following uses or features on the subject land or within 500 metres of the subject land, unless otherwise specified. Please check the appropriate boxes, if any apply.

Use or Feature	On the Subject Land	Within 500 Metres of Subject Land, unless otherwise specified (indicate approximate distance)
An agricultural operation, including livestock facility or stockyard	<input type="checkbox"/>	
A land fill	<input type="checkbox"/>	
A sewage treatment plant or waste stabilization plant	<input type="checkbox"/>	
A provincially significant wetland	<input type="checkbox"/>	

A provincially significant wetland within 120 metres	<input type="checkbox"/>	
A flood plain	<input type="checkbox"/>	
An industrial or commercial use, and specify the use(s)	<input type="checkbox"/>	
An active railway line	<input type="checkbox"/>	
A municipal or federal airport	<input type="checkbox"/>	

## 6 PREVIOUS USE OF PROPERTY

- ☒ Residential
 ☐ Industrial
 ☐ Commercial  
☐ Agriculture
 ☐ Vacant
 ☐ Other (specify)

- 6.1 If Industrial or Commercial, specify use \_\_\_\_\_
- 6.2 Has the grading of the subject land been changed by adding earth or other material, i.e., has filling occurred?  
☐ Yes ☒ No ☐ Unknown
- 6.3 Has a gas station been located on the subject land or adjacent lands at any time?  
☐ Yes ☒ No ☐ Unknown
- 6.4 Has there been petroleum or other fuel stored on the subject land or adjacent lands?  
☐ Yes ☒ No ☐ Unknown
- 6.5 Are there or have there ever been underground storage tanks or buried waste on the subject land or adjacent lands?  
☐ Yes ☒ No ☐ Unknown
- 6.6 Have the lands or adjacent lands ever been used as an agricultural operation where cyanide products may have been used as pesticides and/or biosolids was applied to the lands?  
☐ Yes ☒ No ☐ Unknown
- 6.7 Have the lands or adjacent lands ever been used as a weapons firing range?  
☐ Yes ☒ No ☐ Unknown
- 6.8 Is the nearest boundary line of the application within 500 metres (1,640 feet) of the fill area of an operational/non-operational landfill or dump?  
☐ Yes ☒ No ☐ Unknown
- 6.9 If there are existing or previously existing buildings, are there any building materials remaining on site which are potentially hazardous to public health (e.g., asbestos, PCB's)?  
☐ Yes ☐ No ☒ Unknown
- 6.10 Is there reason to believe the subject land may have been contaminated by former uses on the site or adjacent sites?  
☐ Yes ☒ No ☐ Unknown
- 6.11 What information did you use to determine the answers to 6.1 to 6.10 above?  
Online mapping & discussion with client
- 6.12 If previous use of property is industrial or commercial or if YES to any of 6.2 to 6.10, a previous use inventory showing all former uses of the subject land, or if appropriate, the land adjacent to the subject land, is needed.  
 Is the previous use inventory attached?  
☐ Yes ☐ No

## 7 PROVINCIAL POLICY

- 7.1 a) Is this application consistent with the Policy Statements issued under subsection of the *Planning Act*? (Provide explanation)

☒ Yes ☐ No

Please see attached justification

- b) Is this application consistent with the Provincial Policy Statement (PPS)?  
☒ Yes ☐ No (Provide explanation)

Please see attached justification

- c) Does this application conform to the Growth Plan for the Greater Golden Horseshoe?  
☒ Yes ☐ No (Provide explanation)

Please see attached justification

- d) Are the subject lands within an area of land designated under any provincial plan or plans? (If YES, provide explanation on whether the application conforms or does not conflict with the provincial plan or plans.)  
☒ Yes ☐ No

Please see attached justification

- e) Are the subject lands subject to the Niagara Escarpment Plan?  
☒ Yes ☐ No

If yes, is the proposal in conformity with the Niagara Escarpment Plan?

☒ Yes ☐ No

(Provide Explanation)

Please see attached justification

- f) Are the subject lands subject to the Parkway Belt West Plan?  
☐ Yes ☒ No

If yes, is the proposal in conformity with the Parkway Belt West Plan?

☐ Yes ☐ No (Provide Explanation)

- g) Are the subject lands subject to the Greenbelt Plan?  
☐ Yes ☒ No

If yes, does this application conform with the Greenbelt Plan?

☐ Yes ☐ No (Provide Explanation)

## 8 HISTORY OF THE SUBJECT LAND

- 8.1 Has the subject land ever been the subject of an application for approval of a plan of subdivision or a consent under sections 51 or 53 of the *Planning Act*?  
☒ Yes ☐ No ☐ Unknown

If YES, and known, indicate the appropriate application file number and the decision made on the application.

The previous plan of subdivision is no longer applicable

- 8.2 If this application is a re-submission of a previous consent application, describe how it has been changed from the original application.

- 8.3 Has any land been severed or subdivided from the parcel originally acquired by the owner of the subject land? ☐ Yes ☒ No

If YES, and if known, provide for each parcel severed, the date of transfer, the name of

the transferee and the land use.

8.4 How long has the applicant owned the subject land?

2017

- 8.5 Does the applicant own any other land in the City? ☒ Yes ☐ No  
If YES, describe the lands in "11 - Other Information" or attach a separate page.

347 Parkside Drive, Waterdown

**9 OTHER APPLICATIONS**

- 9.1 Is the subject land currently the subject of a proposed official plan amendment that has been submitted for approval? ☐ Yes ☒ No ☐ Unknown

If YES, and if known, specify file number and status of the application.

- 9.2 Is the subject land the subject of any other application for a Minister's zoning order, zoning by-law amendment, minor variance, consent or approval of a plan of subdivision? ☒ Yes ☐ No ☐ Unknown

If YES, and if known, specify file number and status of the application(s).

File number \_\_\_\_\_ Status Submitted concurrently

**10 RURAL APPLICATIONS**

10.1 Rural Hamilton Official Plan Designation(s)

- ☐ Agricultural ☐ Rural ☐ Specialty Crop  
☐ Mineral Aggregate Resource Extraction ☐ Open Space ☐ Utilities  
☐ Rural Settlement Area (specify) \_\_\_\_\_

Settlement Area

Designation

If proposal is for the creation of a non-farm parcel resulting from a farm consolidation, indicate the existing land use designation of the abutting or non-abutting farm operation.

10.2 Type of Application (select type and complete appropriate sections)

- ☐ Agricultural Severance or Lot Addition  
☐ Agricultural Related Severance or Lot Addition  
☐ Rural Resource-based Commercial Severance or Lot Addition  
☐ Rural Institutional Severance or Lot Addition  
☐ Rural Settlement Area Severance or Lot Addition
- (Complete Section 10.3)
- ☐ Surplus Farm Dwelling Severance from an Abutting Farm Consolidation (Complete Section 10.4)
- ☐ Surplus Farm Dwelling Severance from a Non-Abutting Farm Consolidation (Complete Section 10.5)

10.3 Description of Lands

a) Lands to be Severed:

Frontage (m): (from Section 4.1)	Area (m <sup>2</sup> or ha): (from in Section 4.1)
----------------------------------	----------------------------------------------------

Existing Land Use: \_\_\_\_\_ Proposed Land Use: \_\_\_\_\_



**IBI GROUP**  
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November 1<sup>st</sup>, 2021

Chair and Members of Committee of Adjustment  
c/o Jamila Sheffield  
Secretary - Treasurer, Committee of Adjustment  
City of Hamilton  
71 Main Street West - 5th Floor  
Hamilton, Ontario  
L8P 4Y5

Dear Ms. Sheffield:

**MINOR VARIANCE/ CONSENT APPLICATIONS FL/B-43, FL/B-44 & FL/A - 21:  
204 -198 VICTORIA STREET, WATERDOWN**

On May 10<sup>th</sup>, 2021, IBI Group submitted concurrent applications for Consent and Minor Variance for the lands located at 198 Victoria Street, Waterdown (herein referred to as the “subject lands”). The Consent Applications were submitted to sever the existing lot into a total of three residential parcels (two severed, one retained), while the Minor Variance Application was submitted to permit several minor variances to accommodate the proposed severances.

Following receipt of notice of complete applications, the Combined Committee hearing was held on July 8, 2021. Comments from stakeholders were received in writing in advance of the meeting. We were generally satisfied to see support for the proposal, including confirmation that the proposed lots were in keeping with the character of the area and that the proposal conformed to, amongst other things, the Urban Hamilton Official Plan (“UHOP”). In addition, stakeholders attended the meeting and there was discussion with Committee members on aspects of the application. We have attached the previous stakeholder comments to this letter as **Attachment A**.

Based on our review, there were two main issues raised by stakeholders in the written and verbal comments, including:

1. Potential impacts to existing trees resulting from the proposal; and,
2. The actual Right-of-Way dedications required by the City

During the hearing we confirmed our support for the revised Transportation Planning staff comments which required a 4.57 m x 4.57 m daylight triangle at the Parkside Drive and Victoria Street intersection, and no other Right-of-Way dedications (**see Attachment B**). We also engaged in discussion with Committee members at the hearing regarding tree retention and committed to tabling the application so that we could review the comments and consider preparing something to address this issue.

Following the tabling, we continued to review the stakeholder comments, and have identified some of our own items for further discussion, including:

1. Requirement for submission of a Tree Protection Plan; and,
2. Requirement for completion of an Archaeological Assessment

Accordingly, we are please to provide you with an application resubmission package consisting of the following:

Chair and Members of Committee of Adjustment  
c/o Jamila Sheffield

1. Revised Overall Consent Plan and Minor Variance Sketch, prepared by IBI Group, dated October 29, 2021;
2. Revised Consent to Sever Sketch 1, prepared by IBI Group, dated October 29, 2021;
3. Revised Consent to Sever Sketch 2, prepared by IBI Group, dated October 29, 2021; and,
4. Tree Impact Study with Tree Identification Table, prepared by IBI Group, dated October 21, 2021

The following provides some information, rationale and analysis to support this resubmission.

### **Revised Consent Sketches**

The resubmission package includes updated copies of the proposed consent sketches which illustrate the following:

1. Ultimate Retained Lands - Still includes the existing dwelling, detached garage, etc., now with a total lot area of approximately +/- 1319.3 m<sup>2</sup>
2. Proposed Lot 1 – A proposed new lot with frontage on Victoria St of +/- 15.25 m, a depth of +/- 61 m, and a total area of +/- 929.36 m<sup>2</sup>
3. Proposed Lot 2 – A proposed new lot with frontage on Parkside Dr of +/- 22 m, a depth of +/- 34 m, and a total area of +/- 751.11 m<sup>2</sup>

These proposed lots are generally consistent with the original submission and still maintain consistency and compatibility with the character of the area. We re-iterate that our proposal is predicated on key neighbourhood characteristics, including lot sizes and shapes along Victoria St and Parkside Dr. Increases in area to both the Ultimate Retained Lands and Proposed Lot 2 result from eliminating a previously proposed ROW dedication along Parkside Dr, while providing the requested 4.57 m x 4.57 m daylight triangle dedication from the Ultimate Retained Lands.

### **Revised Overall Consent Plan and Minor Variance Sketch**

The resubmission package includes a revised Overall Consent Plan and Minor Variance Sketch. This is intended to show the proposal in comprehensive terms and identify required variances. It has been updated from the previous submission to include:

1. Dimensions for the existing dwelling, detached garage and pool (including eaves and gutters on the dwelling and garage);
2. Potential new dwelling location on Proposed Lot 1, with a conceptual footprint of 231 m<sup>2</sup> based on maximum 25% lot coverage, and including a driveway;
3. Potential new dwelling location on Proposed Lot 2, with a conceptual footprint of 188 m<sup>2</sup> based on maximum 25% lot coverage, and including a driveway; and,
4. Inclusion of existing trees and potential tree removals coordinated with the Tree Impact Study

This plan provides a detailed zoning review matrix consistent with the original submission and incorporating previously received Zoning staff comments. This chart confirms the following requested minor variances:

Chair and Members of Committee of Adjustment  
c/o Jamila Sheffield

### **Ultimate Retained Lands**

1. A minimum rear yard of 3.5 m instead of the minimum required 7.5 m (applies to the easterly dwelling footprint extent that runs parallel to Parkside Drive);
2. A minimum rear yard of 0.3 m and a minimum side yard of 0.4 m instead of the minimum required 1.0 m for the existing detached garage;
3. A maximum lot coverage of for accessory buildings, excluding swimming pools, of 6.0% instead of the maximum 5% for the existing detached garage; and,
4. A maximum projection for eaves or gutters of 1.0 m instead of the maximum permitted 0.65 m into all required yard setbacks

### **Proposed Lot 1**

1. A total lot area of +/- 929 m<sup>2</sup> instead of the minimum required 975 m<sup>2</sup>; and,
2. A minimum lot frontage of 15 m instead of the minimum required 22 m

### **Proposed Lot 2**

1. A total lot area of +/- 750 m<sup>2</sup> instead of the minimum required 975 m<sup>2</sup>; and
2. A minimum lot frontage of 21.5 m instead of the minimum required 21.5 m

The variances identified above are intended to balance certainty in the overall outcome while providing a minor degree of flexibility in setting the final lot sizes and shapes through the reference plan process, including accommodating potential minor deviations in setbacks for the existing dwelling and detached garage. In addition, it should be noted that Variance 2 for proposed Lot 2 is a new request within this overall approach to allow for a slightly undersized lot width, since the consent sketch provides for a 22 m +/- lot width, and a variance would be needed to allow any width less than 22 m.

In our original submission we provided ample planning analysis to confirm that the proposed lots and requested variances complied with the Planning Act; were consistent with the Provincial Policy Statement 2020; conformed to the Growth Plan 2019; conformed to and were within the general intent and purpose of the UHOP; conformed to or were within the general intent and purpose of Zoning By-law 90-145-Z; were minor in nature; were desirable for the appropriate development of the subject lands; and represent good land use planning in the public interest. This analysis and our recommendations still stand.

### **Tree Impact Study**

To support this resubmission and address comments from stakeholders regarding potential tree impacts from the proposal, we have prepared a Tree Impact Study which includes a Tree Identification Table has been prepared and submitted. This Study includes conceptual dwelling footprint sizes and shapes on both Proposed Lot 1 and Proposed Lot 2. The intent is to show maximum dwelling footprints, based on a 25% maximum lot coverage, within the potential building envelopes created by the permitted dwelling setbacks. It also includes potential driveway widths and locations.

While this is a Study and is based on conceptual dwelling footprints, it provides visual confirmation to the Committee and stakeholders that it is possible to maintain and save the majority of trees on the subject lands. The potential dwelling and driveway locations were based on our attempt to

Chair and Members of Committee of Adjustment  
c/o Jamila Sheffield

minimize tree impacts and removals. The plan provides potential tree protection fencing locations to show how areas of construction and disturbance can be limited within each site. Further, it confirms that existing trees that would need to be removed based on this concept are located solely on the subject lands. In our opinion, this adequately address comments from the Committee and stakeholders, and confirms that tree impacts are a minor and manageable issue. It also underscores that the proposal will main compatibility with the character of the neighbourhood by retaining most of the existing trees. For instance, based on this plan and these assumptions, approximately 76% of existing trees will be retained on site.

## **Additional Items for Consideration Based on Previous Staff Comments**

### **Requirement for a Tree Protection Plan**

We note that the previous staff comments requested the submission of a Tree Protection Plan as a condition of approval. Given we have addressed this issue with our Tree Impact Study submission, we respectfully request that there be no conditions requiring further Tree Protection Plan submissions attached to the decision.

### **Requirement for an Archaeological Investigation**

We also note that the previous staff comments requested the submission of an Archaeological Investigation as a condition of approval. We respectfully request that the standard Archaeological Advisory Note be included instead, to thus put the onus on the property Owner at time of physical development rather than on the current applicant who is only looking to create the lots. We have a related concern with the potential timing of submitting and receiving potentially multiple studies within the standard provisional consent timeline.

## **2.0 CONCLUSION AND RECOMMENDATIONS**

We trust that the enclosed is in order. However, should you have any questions or require additional information, please do not hesitate to contact the undersigned.

Regards,

**IBI Group**



Mike Crough RPP MCIP  
Associate Director – Practice Lead

Chair and Members of Committee of Adjustment  
c/o Jamila Sheffield

## **Attachment A**

**FL/B-21:43 – 198 Victoria St., Flamborough**

Consolidation Report

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

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

1. The owner shall submit a deposited Ontario Land Surveyor's Reference Plan to the Committee of Adjustment Office, unless exempted by the Land Registrar. The reference plan must be submitted in pdf and also submitted in CAD format, drawn at true scale and location and tied to the City corporate coordinate system. (Committee of Adjustment Section)
2. The owner shall pay any outstanding realty taxes and/or all other charges owing to the City Treasurer. (Committee of Adjustment Section)
3. The owner submits to the Committee of Adjustment office an administration fee, payable to the City of Hamilton, to cover the costs of setting up a new tax account for each newly created lot. (Committee of Adjustment Section)
4. The applicant shall submit and receive approval for a Tree Protection Plan, to the satisfaction of the Manager, Development Planning Heritage & Design.
5. The applicant shall submit and receive approval for an archeological assessment, for the area to be severed, to the satisfaction of the Manager, Development Planning Heritage & Design.
6. That the applicant receives approval of the associated Minor Variance application FL/A-21:204.
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 Examination Section).
8. The owner shall receive final approval of any necessary variances from the requirements of the Zoning By-law as determined necessary by the Planning and Economic Development Department (Building Division – Zoning Section).
9. 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), lot coverage, parking, landscaping on lands to be retained and the lot area and lot frontage of the lot to be conveyed, conforms to the requirements of the Zoning By-

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

10. A **Permit** to injure or remove municipal trees is a requirement of this application. Therefore, a **Tree Management Plan** must be submitted to the Forestry and Horticulture Section c/o the Urban Forestry Health Technician, to address potential conflicts with publicly owned trees.
11. A permit will be issued upon approval of the Tree Management Plan and applicable fees.
12. The existing right-of-way at the subject property is approximately 15.0 metres. Approximately 2.5 metres are to be dedicated to the right-of-way on Victoria Street, as per the Council Approved Urban Official Plan: Chapter C - City Wide Systems and Designations, 4.5 Road Network Functional Classification, 4.5.2. Local Roads (Victoria Street) are to be 20.117 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).  
(Transportation Planning)
13. The existing right-of-way at the subject property is approximately 20.0 metres. Approximately, 3.0 metres are to be dedicated to the right-of-way on Parkside Drive, as per the Council Approved Urban Official Plan: Schedule C-2 - Future Right-of-Way Dedications. Parkside Drive (Hamilton Street to Milborough Line) is to be 26.213 metres.  
A survey conducted by an Ontario Land Surveyor and at the Applicant's expense will determine the ultimate dimensions for the right-of-way widening(s).  
(Transportation Planning)
14. Parkside Drive is an Arterial Road and Victoria Street is a Local Road. The Applicant is to dedicate a 15.0 metres x 15.0 metres triangle to the right-of-way, as per the Council Approved Rural Official Plan: Chapter C - City Wide Systems and Designations 4.5 Road Network Functional Classification; Daylighting Triangles 4.5.7. Should you require any further information, please let this office know at [tplanning@hamilton.ca](mailto:tplanning@hamilton.ca). (Transportation Planning)
15. That the Owner enter into with the City of Hamilton and register on title of the lands, a Consent Agreement, having an administrative fee of \$4,310.00 (2021 fee) to address issues including but not limited to: lot grading and drainage to a suitable outlet on the conveyed and retained parcels (detailed grading plan required), erosion and sediment control measures (to be included on the grading plan); cash payment requirements for items such as street trees (City policy requires one (1) street tree/lot, inspection of grading, stormwater management infrastructure and securities for items that may include: lot grading (\$10,000.00 grading security), water and sewer service inspections, driveway approaches,

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

16. That, the Owner dedicate, by transfer deed, to the City of Hamilton sufficient lands for the road widening (33 ft from centerline of road at Victoria Street) and daylighting triangle (4.57m x 4.57m at the intersection of Parkside Drive and Victoria Street) dedications at the Owner's expense and to the satisfaction of the Manager of the Engineering Approvals Section.

Note: Based on these applications being approved and all conditions being met, the owner / applicant should be made aware that the lands to be conveyed (Part 1) will be assigned the address of **194 Victoria Street (Flamborough)**, the lands to be retained (Part 2) will remain as **198 Victoria Street (Flamborough)**, and the lands to be conveyed (Part 3) will be assigned the address of **334 Parkside Drive (Flamborough)**.

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. (Growth Planning, Growth Management Division)

**FL/B-21:43 – 198 Victoria St., Flamborough**

**PLANNING and ECONOMIC DEVELOPMENT DEPARTMENT**

**Development Planning – Rural**

The purpose of this application is to permit the severance of a parcel of land and to retain a parcel of land for residential purposes.

Severed lands:

Frontage: 15.2m±

Depth: 61.0m±

Area of 927.7m<sup>2</sup>±

Retained lands:

Frontage: 29.64m±

Depth: 61.0m±

Area: 2082.7m<sup>2</sup>±

This application will be heard in conjunction with Severance Application FL/B-21:44 and Minor Variance Application FL/A-21:204

**Urban Hamilton Official Plan**

The Urban Hamilton Official Plan designates Lot 1 (lands to be severed) and Lot 2 (lands to be retained) as “Neighbourhoods” in Schedule E-1 – Urban Land Use Designations. The following policies, amongst others, are applicable:

“2.4.2.2 When considering an application for a residential intensification development within the Neighbourhoods designation, the following matters shall be evaluated:

- a) the matters listed in Policy B.2.4.1.4;
- b) compatibility with adjacent land uses including matters such as shadowing, overlook, noise, lighting, traffic, and other nuisance effects;
- c) the relationship of the proposed building(s) with the height, massing, and scale of nearby residential buildings;
- d) the consideration of transitions in height and density to adjacent residential buildings;
- e) the relationship of the proposed lot(s) with the lot pattern and configuration within the neighbourhood;
- f) the provision of amenity space and the relationship to existing patterns of private and public amenity space;

- g) the ability to respect and maintain or enhance the streetscape patterns including block lengths, setbacks and building separations;
- h) the ability to complement the existing functions of the neighbourhood;
- i) the conservation of cultural heritage resources; and;
- j) infrastructure and transportation capacity and impacts.

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

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

The subject lands are zoned “R1-5” Urban Residential (Single Detached) Zone to which the uses comply. The minimum lot area in this zone is 975m<sup>2</sup> and the minimum lot frontage is 22m, the proposed lots do not comply with these regulations and will be address through Minor Variance Application FL/A-21:204.

### **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. In addition, as per F.1.14.3.1.e), the lots are fully serviced by municipal water and wastewater systems, and the lots have frontage on a public road, as per F.1.14.3.1.f). Staff are satisfied that proposed variance is in keeping with the general purpose and intent of the Urban Hamilton Official Plan.

### **Natural Heritage**

The severance and minor variance application will require a Tree Protection Plan (showing how trees will be protected on site) and a Landscape Plan (showing compensation plantings for any trees removed). There are many mature trees on site which will be impacted by construction and grading. Natural Heritage staff are particularly concerned because boundary trees, which are shared ownership with abutting properties (190 Victoria Street, and 47 Wellington Street), will likely be impacted by construction and grading. Under the Forestry Act, one co-owner cannot injure or remove a boundary tree without the other co-owner’s permission.

Before the severance and minor variances are approved, a Tree Protection Plan is recommended. The City should have some indication of the potential impacts to trees (on and off site) before it approves the severance.

### **Archeology**

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

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

These criteria define the property as having archaeological potential. Accordingly, Section 2 (d) of the Planning Act and Section 2.6.2 of the Provincial Policy Statement apply to the subject application. If this 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 portion of the property to be conveyed and mitigate, through preservation or resource removal and documentation, adverse impacts to any significant archaeological resources found. No demolition, grading, construction activities, landscaping, staging, stockpiling or other soil disturbances shall take place on the subject property prior to the approval of the Director of Planning confirming that all archaeological resource concerns have met conservation requirements. All archaeological reports shall be submitted to the City of Hamilton concurrent with their submission to the Ministry of Heritage, Sport, Tourism and Culture Industries (MHSTCI).

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

### Cultural Heritage

The subject property contains a circa 1941 dwelling listed on the City's Inventory of Heritage Buildings that is currently recommended for addition to the Register of Property of Cultural Heritage Value or Interest as a non-designated property. The property is additionally located within the Village of Waterdown and the Waterdown Heights Subdivision Inventoried Cultural Heritage Landscapes.

The dwelling was constructed for Harold McMonies Vance, great grandson of James McMonies, the area's first Member of Parliament. H.M. Vance's son, John Peter Fleming Vance was a co-author of the township history book published in 1967 and was the founding president of the Waterdown-East Flamborough Heritage Society.

The subject property is located in an area of concentrated heritage potential. There are 13 adjacent properties listed on the City's Inventory of Heritage Buildings, seven of which are additionally recommended for addition to the Register.

The proponent proposes the creation of two new residential lots with the retention of a portion of the existing lot containing the single detached dwelling, an existing accessory building (garage) and an existing above ground swimming pool.

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.” and,

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

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

Though the existing streetscape and contextual value of the property will be impacted, Staff recognize that the proposed two new lot sizes will generally be in keeping with those of adjacent heritage properties.

Staff are supportive of the retention of the existing built heritage resource on the property. Staff do have concerns regarding the design of the proposed additional dwellings as there are no elevations provided. Staff strongly recommend the use of compatible materials and design, specifically, drawing inspiration from vernacular mid-20th century residential architecture.

### **Recommendation**

Based on the preceding information, the requested consent application does generally maintain the intent and purpose of the Rural Hamilton Official Plan, City of Hamilton Zoning By-law 05-200. However, before the severance and minor variances are approved, a Tree Protection Plan is recommended. The City should have some indication of the potential impacts to trees (on and off site) before it approves the severance. Therefore, staff recommend **tabling** the severance application until a Tree Protection Plan is submitted and approved.

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

1. The applicant shall submit and receive approval for a Tree Protection Plan, to the satisfaction of the Manager, Development Planning Heritage & Design.
2. The applicant shall submit and receive approval for an archeological assessment, for the area to be severed, to the satisfaction of the Manager, Development Planning Heritage & Design.
3. That the applicant receives approval of the associated Minor Variance application FL/A-21:204.

**Building Division:**

1. The Consent to Sever - Sketch 1 submitted does not show the road widening or daylight triangle intended to be incorporated into the road allowance as shown on the Site Plan (Revision # 2 dated 2021-06-14) submitted with Minor Variance File No. HM/A-21:204.
2. No dimensions for the existing dwelling, garage and pool have been shown on the submitted plan; however, Minor Variance File No. FL/A-21:204 has identified variances necessary to facilitate Consent Application File Nos: FL/B-21:43 and FL/B-21:44.
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. In order to clear conditions, the applicant will be required to make application for Ontario Building Code compliance and pay the relevant fees.
5. In order to clear conditions, the applicant will be required to make application for a Zoning Compliance Review and pay the relevant fees.

**CONDITIONAL UPON:**

1. The owner shall comply with Ontario Building Code requirements regarding spatial separation distances of any structures. Compliance to be confirmed by the Planning and Economic Development Department (Building Division – Plan Examination Section).
2. The owner shall receive final approval of any necessary variances from the requirements of the Zoning By-law as determined necessary by the Planning and Economic Development Department (Building Division – Zoning Section).
3. The owner shall submit survey evidence that the lands to be severed and the lands to be retained, including the location of any existing structure(s), lot coverage, parking, landscaping on lands to be retained and the lot area and lot frontage of the lot to be conveyed, conforms to the requirements of the Zoning By-Law or alternatively apply for and receive final approval of any variances from the requirements of the Zoning By-Law as determined necessary by the Planning and Economic Development Department (Building Division – Zoning Section).

## **Development Engineering:**

### **Information**

According to our GIS records, the subject section of Parkside Drive is classified as a local roadway with an ultimate road allowance right-of-way width of 20.117m, according to the requirements of the Rural Hamilton Official Plan. The current road allowance right-of-way width of the subject section of Parkside Drive is  $\pm 20.0$ m. Therefore, a road allowance widening dedication to the City will not be required.

According to our GIS records, the subject section of Victoria Street is classified as a local roadway with an ultimate road allowance right-of-way width of 20.117m, according to the requirements of the Rural Hamilton Official Plan. The current road allowance right-of-way width of the subject section of Victoria Street is  $\pm 15.0$ m. Therefore, a road widening dedication to the City will be required.

A 4.57m x 4.57m daylighting triangle will be required at the intersection of Parkside Drive and Victoria Street.

The applicant shall provide the **land transfer deed** and **certified R-plan** as proof of land transfer. A survey conducted by an Ontario Land Surveyor and at the applicant's expense will determine the ultimate dimensions for the road allowance widening(s) and daylighting triangle(s).

The municipal services which front the subject property are as follows:

#### **Parkside Drive**

- 200mm $\varnothing$  Sanitary Sewer
- 150mm $\varnothing$  Watermain

#### **Victoria Street**

- 200mm $\varnothing$  Sanitary Sewer
- 150mm $\varnothing$  Watermain

### **Recommendations**

1. That the Owner enter into with the City of Hamilton and register on title of the lands, a Consent Agreement, having an administrative fee of \$4,310.00 (2021 fee) to address issues including but not limited to: lot grading and drainage to a suitable outlet on the conveyed and retained parcels (detailed grading plan required), erosion and sediment control measures (to be included on the grading plan); cash payment requirements for items such as street trees (City policy requires one (1) street tree/lot, inspection of grading, stormwater management infrastructure and securities for items that may include: lot grading (\$10,000.00 grading security), water and sewer service inspections, driveway approaches, relocation of any existing infrastructure (such as hydrants) and any damage during construction (unknown costs at this time). Cash payments mentioned above are subject to change.

2. That, the Owner dedicate, by transfer deed, to the City of Hamilton sufficient lands for the road widening (33 ft from centerline of road at Victoria Street) and daylighting triangle (4.57m x 4.57m at the intersection of Parkside Drive and Victoria Street) dedications at the Owner's expense and to the satisfaction of the Manager of the Engineering Approvals Section.

### **Transportation Planning:**

1. Transportation Planning has no objection to the land severance application, provided the following conditions are met:
  - a. The existing right-of-way at the subject property is approximately 15.0 metres. Approximately 2.5 metres are to be dedicated to the right-of-way on Victoria Street, as per the Council Approved Urban Official Plan: Chapter C - City Wide Systems and Designations, 4.5 Road Network Functional Classification, 4.5.2. Local Roads (Victoria Street) are to be 20.117 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).

- b. The existing right-of-way at the subject property is approximately 20.0 metres. Approximately, 3.0 metres are to be dedicated to the right-of-way on Parkside Drive, as per the Council Approved Urban Official Plan: Schedule C-2 - Future Right-of-Way Dedications. Parkside Drive (Hamilton Street to Milborough Line) is to be 26.213 metres.

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

- c. Parkside Drive is an Arterial Road and Victoria Street is a Local Road. The Applicant is to dedicate a 15.0 metres x 15.0 metres triangle to the right-of-way, as per the Council Approved Rural Official Plan: Chapter C - City Wide Systems and Designations 4.5 Road Network Functional Classification; Daylighting Triangles 4.5.7.

### **Growth Planning:**

Note: Based on these applications being approved and all conditions being met, the owner / applicant should be made aware that the lands to be conveyed (Part 1) will be assigned the address of **194 Victoria Street (Flamborough)**, the lands to be retained (Part 2) will remain as **198 Victoria Street (Flamborough)**, and the lands to be conveyed (Part 3) will be assigned the address of **334 Parkside Drive (Flamborough)**.

**July 8<sup>th</sup>, 2021**

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

**See attached for additional comments.**



Hamilton

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

**Date:** June 29, 2021

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

**From:** Sam Brush, Urban Forest Health Technician

**Subject:** 198 Victoria Street, Flamborough  
File: FL/B-21:43  
FL/B-21:44

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## **PREAMBLE**

In response to your Agenda listing for the upcoming meeting on Thursday, July 8th, 2021, regarding the above subject area under discussion, the Forestry & Horticulture Section has reviewed the submission associated with the Application for Consent/Land Severance for this site and provides the following opinion:

## **SCOPE**

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

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

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

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

## TREE MANAGEMENT PLAN

A Tree Management Plan addressing tree protection is required for existing municipal trees during the construction of New Developments, Infrastructure Enhancements, Utility Upgrades, and other site improvements.

The Forestry and Horticulture Section requires that a **Tree Management Plan** be prepared by a **Landscape Architect**, full member OALA with custody and use of professional Seal. Plan must indicate proposal for tree retention or removal.

It is compulsory that all proposed surface treatment changes within individual tree driplines including temporary access roads, be accurately depicted on the submission. The Tree Management Plan must include a Tree Inventory Analysis Table, prepared by a certified **Arborist**. The Tree Inventory Analysis Table shall include the following data plus recommended action for each tree.

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

If it is determined and verified that existing trees can remain, a Tree Protection Zone with notes showing Tree Preservation Techniques and City of Hamilton standard Tree Hoarding detail PK1100.01 shall be included on construction plans to the satisfaction of the Director of Environmental Services.

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

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

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

## LANDSCAPE PLAN

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

## SUMMARY OF FORESTRY CONDITIONS

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

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

Regards,

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

Sam Brush  
Urban Forest Health Technician

## Hansra, Aman

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**From:** Loiacono, Johnpaul (MNR) <Johnpaul.Loiacono@ontario.ca>  
**Sent:** July 5, 2021 9:21 AM  
**To:** Costa, Samantha  
**Cc:** Committee of Adjustment  
**Subject:** RE: July 8th 2021 COA Agenda Available!

Good morning,

NEC staff have reviewed the agenda for the upcoming meeting on July 8, 2021 and provide the following comments:

- **198 Victoria Street** is designated Urban Area and therefore subject to the policies of the Niagara Escarpment Plan (NEP), however, it is outside the area of Development Control and will not require a permit from the Niagara Escarpment Commission (NEC). The policies found within Part 1.7, more specifically 1.7.4 and 2.4 (Lot Creation) of the NEP, as it relates to the severance application, are applicable. The severance, as proposed, is generally permitted. Additionally, the future development should consider the objectives of Part 1.7.5.2 where it encourages the reduction of energy consumption through maximizing opportunities for the use of green infrastructure and low impact design, where and appropriate. The vegetation on site should be protected and maintained to the extent possible.
- **54 Dundas Street East** is designated Urban Area and therefore subject to the policies of the Niagara Escarpment Plan (NEP). It is also within the area of Development Control and therefore will require a permit from the Niagara Escarpment Commission (NEC). There is currently a Development Permit Application (DPA) with the NEC, which has not been issued. A severance application cannot be approved prior to the issuance of a DPA.

Thank you,  
Johnpaul

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**From:** Costa, Samantha <Samantha.Costa@hamilton.ca>  
**Sent:** June 22, 2021 12:52 PM  
**To:** Committee of Adjustment <CofA@hamilton.ca>  
**Subject:** July 8th 2021 COA Agenda Available!

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

Good Afternoon,

Attached is a copy of the Agenda for the July 8<sup>th</sup> 2021 hearing date, please follow the link below for a copy of the package.

**\*\* Please be advised final comments are due by noon, July 2<sup>nd</sup>, if not received, you will be required to attend the virtual hearing, late comments will not be accepted.**

RE: FL/B-21:43, FL/B-21:44, FL/A-21:204

Dear Committee Members,

We are the homeowners at 47 Wellington St. Waterdown, ON (Lot 16)- Bryan and Kirsten Paul. We border the southern property line of the subject property. We have the following concerns with the proposed conveyance of lands:

1. We understand the existing lot is of a size that a severance is feasible. However, due to the fact the existing home has to remain, due to its heritage designation (Vance House), trying to create 3 lots around its existing placement on the lot would not be in keeping with the neighborhood feel. The fact that all 3 proposed lots require variances for reduced sizes, be it frontage and/or lot area, speaks to this "shoehorning" of 2 extra lots.
2. Lot 1 has a proposed width of 15.2M. Although there are 1 or 2 lots in the area that do have a similar width, 99 percent of the lots do not. With this narrow lot, building a new single family dwelling would inevitably mean the removal of a portion of a large tree row ( 60-70 ft high Spruce trees) that run along the southern property line having a major impact on the two lots that border it. Privacy, sound, and neighborhood "feel" would all be negatively impacted.
3. Lot 3 has a proposed depth of only 34.2M and it will not be a corner lot. This is far less deep than, again 99 percent, of the lots in the area. The homes that run down the street east along Parkside Dr. all have 49M depths.
4. With these reduced lot sizes, we feel it is inevitable there will be a massive impact on the mature trees that exist on the property in question. Again, this would severely impact, in a negative way, the privacy and overlook concerns for neighboring homes and reduce the appeal of the area.
5. It is critical the City of Hamilton require a Vegetation Management Plan be in place and approved prior to any plans being approved. We would like to see a 4M tree protection zone run along the southern border on the subject property along lot 16 at a minimum. We believe the new homeowners would enjoy this as well and that it would only increase the value of their home.

We believe it would better preserve the Heritage home's and overall area's character to increase Lot 2's depth to the southern most lot line, eliminate Lot 1 and keep the existing heritage home's lot the entire length of the Victoria St. frontage. This would allow for minimal tree removal and keep the Heritage home (Vance House) on a reduced but appropriately sized lot. This still enables a new in-fill lot and growth in the area.

Finally, in the minor variance notes on pg 383 it is stated that there are no concerns for allowing the variance of the garage to be closer to the property line since "there is sufficient tree coverage to provide privacy". We hope this is the thought process and reasoning used when considering neighboring properties as well when the new build process starts. We would welcome hearing the plans for the trees as it is the biggest area of concern with this proposal. Please see attached photos taken from our backyard which gives a good view of how we may be impacted.

Sincerely,

Bryan and Kirsten Paul

47 Wellington St. Waterdown, ON



Looking north from lot 16 towards the subject property. These trees are critical to our privacy and enjoyment of our property.



The larger Spruce trees are fairly close to the property line so should easily be maintained to keep privacy and beauty for existing homeowners and new homeowners.

## Hansra, Aman

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**From:** Anja Sonnenberg <anja.j.sonnenberg@gmail.com>  
**Sent:** June 28, 2021 7:27 AM  
**To:** Committee of Adjustment  
**Subject:** Comment on Application FL/B-21:43 and FL/B-21:44 and FL/A-21:204

Good morning,

I would like to register to participate by Webex:  
Committee of Adjustment file number: FL/B-21:43 and FL/B-21:44 and FL/A-21:204  
Hearing Date: July 8, 2021  
Time: 3:20 PM  
Name: Anja Sonnenberg  
Address: 338 Parkside Drive, Waterdown, ON, L0R2H0  
Phone: 905-516-7050

Dear Committee of Adjustment,

We are providing comments on Applications FL/B-21:43, FL/A204,-21:44 and FL/B-21: Subject Property 198 Victoria St., Flamborough.

We are a family adjacent to the property in question and are strongly opposed to the severing of 198 Victoria Street into three properties. The existing property contains one of the first homes in the first survey in Waterdown, and the property is only marginally larger than the other plots in the area, To split the property into not two but three plots will no longer fit into the aesthetics of the neighbourhood.

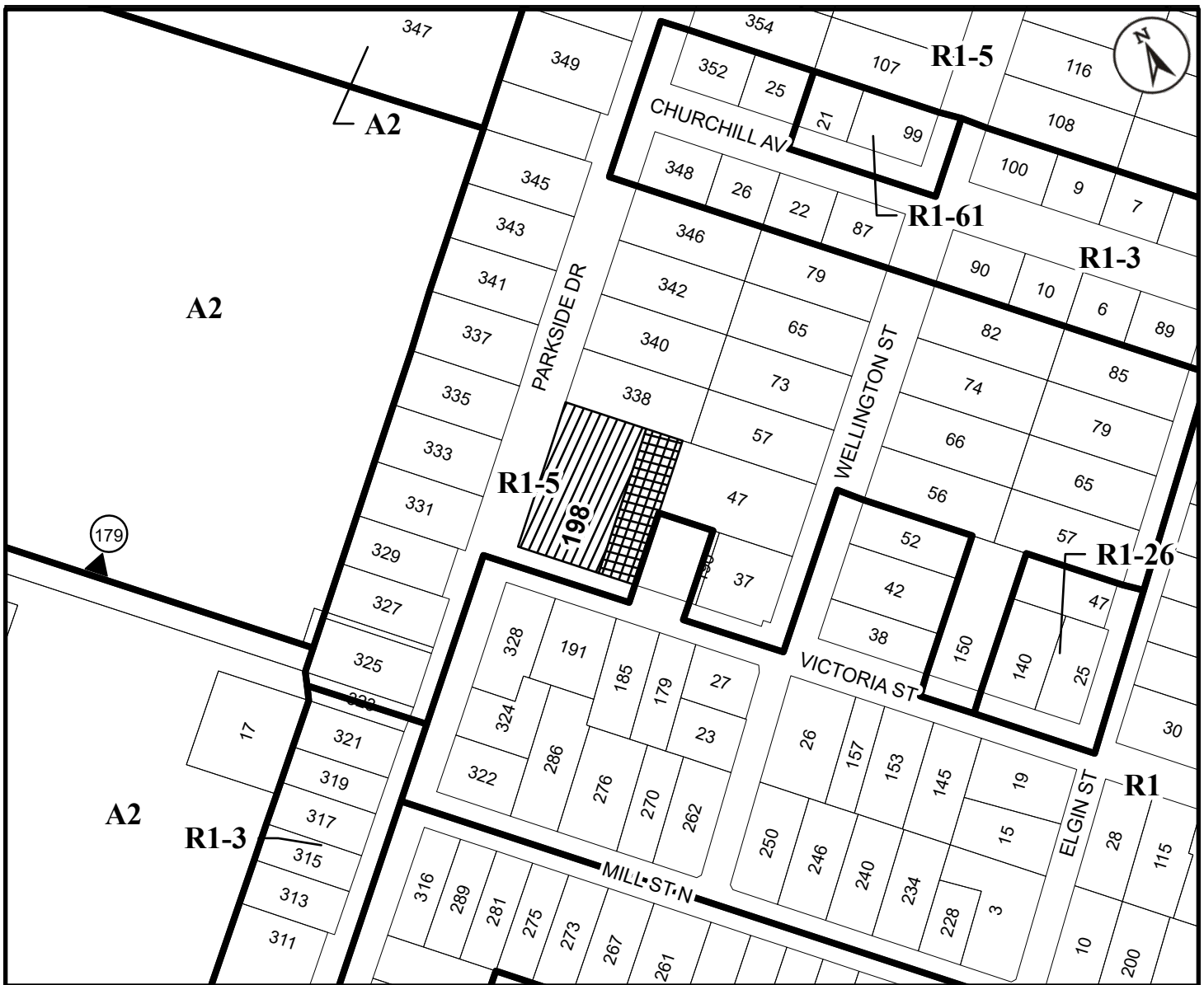
There are currently six variances between the two applications being requested, all of which are related to the small size of the proposed lots. In the case of Lot 3 the proposed dwelling is 1.2 meters from our fence. In a neighbourhood that has 9+ meters between houses it is preposterous to propose a house that sits so close to the property line.

In addition to the small lots proposed, the developer has clearly no interest in saving the mature trees or greenery on the property. There are many trees, 50+ years old, that will be removed to make way for these houses. If people wish to purchase a new house with a small property and no trees they can go purchase one of the 5000+ homes they are building on Highway 5.

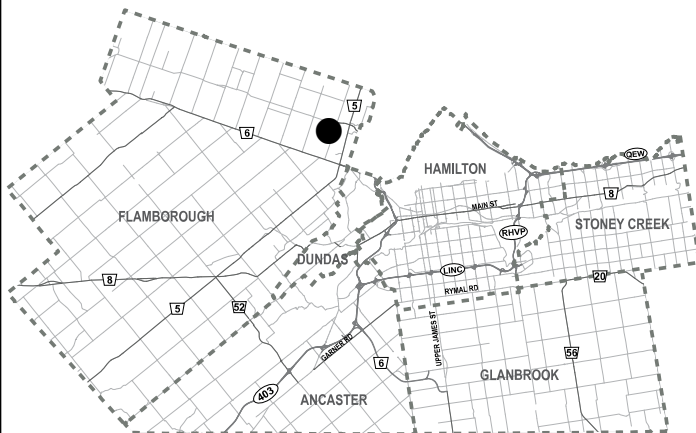
While we understand that developers purchasing land is inevitable, we believe that there has to be a better plan for developing 198 Victoria Street that would allow the current and proposed house(s) to fit into the neighbourhood, and rather than bulldozing the property of all greenery a plan to retain as many trees as possible.

Regards,

The Sonnenberg Family  
338 Parkside Drive, Waterdown, ON, L0R2H0



## ● Site Location



**City of Hamilton**

## Committee of Adjustment

### Subject Property

198 Victoria Street, Flamborough (Ward 15)



Lands to be Retained



Lands to be Severed

File Name/Number:

FL/B-21:43

Date:

June 29, 2021

Technician:

NB

Map Not To Scale

Appendix "A"



Hamilton

PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT

**FL/B-21:44 – 198 Victoria St., Flamborough**

Consolidation Report

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

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

1. The owner shall submit a deposited Ontario Land Surveyor's Reference Plan to the Committee of Adjustment Office, unless exempted by the Land Registrar. The reference plan must be submitted in pdf and also submitted in CAD format, drawn at true scale and location and tied to the City corporate coordinate system. (Committee of Adjustment Section)
2. The owner shall pay any outstanding realty taxes and/or all other charges owing to the City Treasurer. (Committee of Adjustment Section)
3. The owner submits to the Committee of Adjustment office an administration fee, payable to the City of Hamilton, to cover the costs of setting up a new tax account for each newly created lot. (Committee of Adjustment Section)
4. The applicant shall submit and receive approval for a Tree Protection Plan, to the satisfaction of the Manager, Development Planning Heritage & Design.
5. The applicant shall submit and receive approval for an archeological assessment, for the area to be severed, to the satisfaction of the Manager, Development Planning Heritage & Design.
6. That the applicant receives approval of the associated Minor Variance application FL/A-21:204.
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 Examination Section).
8. The owner shall receive final approval of any necessary variances from the requirements of the Zoning By-law as determined necessary by the Planning and Economic Development Department (Building Division – Zoning Section).
9. 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), lot coverage, parking, landscaping on lands to be retained and the lot area and lot

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

10. The owner shall demolish the shed on the lands to be conveyed (Part 3) to the satisfaction of the Planning and Economic Development Department (Building Division – Zoning Section) or the owner shall receive final approval of any necessary variances from the requirements of the Zoning By-law in order for the shed to remain when no principal use is existing (Building Division – Zoning Section). May be subject to a demolition permit issued in the normal manner.
11. A **Permit** to injure or remove municipal trees is a requirement of this application. Therefore, a **Tree Management Plan** must be submitted to the Forestry and Horticulture Section c/o the Urban Forestry Health Technician, to address potential conflicts with publicly owned trees.
12. A permit will be issued upon approval of the Tree Management Plan and applicable fees.
13. The existing right-of-way at the subject property is approximately 15.0 metres. Approximately 2.5 metres are to be dedicated to the right-of-way on Victoria Street, as per the Council Approved Urban Official Plan: Chapter C - City Wide Systems and Designations, 4.5 Road Network Functional Classification, 4.5.2. Local Roads (Victoria Street) are to be 20.117 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).  
(Transportation Planning)
14. The existing right-of-way at the subject property is approximately 20.0 metres. Approximately, 3.0 metres are to be dedicated to the right-of-way on Parkside Drive, as per the Council Approved Urban Official Plan: Schedule C-2 - Future Right-of-Way Dedications. Parkside Drive (Hamilton Street to Milborough Line) is to be 26.213 metres.  
A survey conducted by an Ontario Land Surveyor and at the Applicant's expense will determine the ultimate dimensions for the right-of-way widening(s).  
(Transportation Planning)
15. Parkside Drive is an Arterial Road and Victoria Street is a Local Road. The Applicant is to dedicate a 15.0 metres x 15.0 metres triangle to the right-of-way, as per the Council Approved Rural Official Plan: Chapter C - City Wide Systems and Designations 4.5 Road Network Functional Classification; Daylighting Triangles 4.5.7. Should you require any further information, please let this office know at [tplanning@hamilton.ca](mailto:tplanning@hamilton.ca). (Transportation Planning)

15. That the Owner enter into with the City of Hamilton and register on title of the lands, a Consent Agreement, having an administrative fee of \$4,310.00 (2021 fee) to address issues including but not limited to: lot grading and drainage to a suitable outlet on the conveyed and retained parcels (detailed grading plan required), erosion and sediment control measures (to be included on the grading plan); cash payment requirements for items such as street trees (City policy requires one (1) street tree/lot, inspection of grading, stormwater management infrastructure and securities for items that may include: lot grading (\$10,000.00 grading security), water and sewer service inspections, driveway approaches, relocation of any existing infrastructure (such as hydrants) and any damage during construction (unknown costs at this time). Cash payments mentioned above are subject to change.
16. That, the Owner dedicate, by transfer deed, to the City of Hamilton sufficient lands for the road widening (33 ft from centerline of road at Victoria Street) and daylighting triangle (4.57m x 4.57m at the intersection of Parkside Drive and Victoria Street) dedications at the Owner's expense and to the satisfaction of the Manager of the Engineering Approvals Section.

Note: Based on these applications being approved and all conditions being met, the owner / applicant should be made aware that the lands to be conveyed (Part 1) will be assigned the address of **194 Victoria Street (Flamborough)**, the lands to be retained (Part 2) will remain as **198 Victoria Street (Flamborough)**, and the lands to be conveyed (Part 3) will be assigned the address of **334 Parkside Drive (Flamborough)**.

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. (Growth Planning, Growth Management Division)

**FL/B-21:44 – 198 Victoria St., Flamborough**

**PLANNING and ECONOMIC DEVELOPMENT DEPARTMENT**

**Development Planning – Rural**

The purpose of this application is to permit the conveyance of a parcel of land and to retain a parcel of land for residential purposes.

**Severed lands:**

Frontage: 22.0m±

Depth: 34.2m±

Area: 751.8m<sup>2</sup>±

**Retained lands:**

Frontage: 29.64m±

Depth: 39.0m±

Area: 1330.9m<sup>2</sup>±

This application will be heard in conjunction with Severance Application FL/B-21:43 and Minor Variance Application FL/A-21:204

**Urban Hamilton Official Plan**

The Urban Hamilton Official Plan designates Lot 3 (lands to be severed) and Lot 2 (lands to be retained) as “Neighbourhoods” in Schedule E-1 – Urban Land Use Designations. The following policies, amongst others, are applicable:

“2.4.2.2 When considering an application for a residential intensification development within the Neighbourhoods designation, the following matters shall be evaluated:

- a) the matters listed in Policy B.2.4.1.4;
- b) compatibility with adjacent land uses including matters such as shadowing, overlook, noise, lighting, traffic, and other nuisance effects;
- c) the relationship of the proposed building(s) with the height, massing, and scale of nearby residential buildings;
- d) the consideration of transitions in height and density to adjacent residential buildings;

- e) the relationship of the proposed lot(s) with the lot pattern and configuration within the neighbourhood;
- f) the provision of amenity space and the relationship to existing patterns of private and public amenity space;
- g) the ability to respect and maintain or enhance the streetscape patterns including block lengths, setbacks and building separations;
- h) the ability to complement the existing functions of the neighbourhood;
- i) the conservation of cultural heritage resources; and;
- j) infrastructure and transportation capacity and impacts.

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

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

The subject lands are zoned “R1-5” Urban Residential (Single Detached) Zone to which the uses comply.

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. In addition, as per F.1.14.3.1.e), the lots are fully serviced by municipal water and wastewater systems, and the lots have frontage on a public road, as per F.1.14.3.1.f). Staff are satisfied that proposed variance is in keeping with the general purpose and intent of the Urban Hamilton Official Plan.

#### **Natural Heritage**

The severance and minor variance application will require a Tree Protection Plan (showing how trees will be protected on site) and a Landscape Plan (showing compensation plantings for any trees removed). There are many mature trees on site which will be impacted by construction and grading. Natural Heritage staff are particularly concerned because boundary trees, which are shared ownership with abutting properties (190 Victoria Street, and 47 Wellington Street), will likely be impacted by construction and grading. Under the Forestry Act, one co-owner cannot injure or remove a boundary tree without the other co-owner’s permission.

Before the severance and minor variances are approved, a Tree Protection Plan is recommended. The City should have some indication of the potential impacts to trees (on and off site) before it approves the severance.

### Archeology

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

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

These criteria define the property as having archaeological potential. Accordingly, Section 2 (d) of the Planning Act and Section 2.6.2 of the Provincial Policy Statement apply to the subject application. If this 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 portion of the property to be conveyed and mitigate, through preservation or resource removal and documentation, adverse impacts to any significant archaeological resources found. No demolition, grading, construction activities, landscaping, staging, stockpiling or other soil disturbances shall take place on the subject property prior to the approval of the Director of Planning confirming that all archaeological resource concerns have met conservation requirements. All archaeological reports shall be submitted to the City of Hamilton concurrent with their submission to the Ministry of Heritage, Sport, Tourism and Culture Industries (MHSTCI).

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

### Cultural Heritage

The subject property contains a circa 1941 dwelling listed on the City's Inventory of Heritage Buildings that is currently recommended for addition to the Register of Property of Cultural Heritage Value or Interest as a non-designated property. The property is additionally located within the Village of Waterdown and the Waterdown Heights Subdivision Inventoried Cultural Heritage Landscapes.

The dwelling was constructed for Harold McMonies Vance, great grandson of James McMonies, the area's first Member of Parliament. H.M. Vance's son, John Peter Fleming

Vance was a co-author of the township history book published in 1967 and was the founding president of the Waterdown-East Flamborough Heritage Society.

The subject property is located in an area of concentrated heritage potential. There are 13 adjacent properties listed on the City's Inventory of Heritage Buildings, seven of which are additionally recommended for addition to the Register.

The proponent proposes the creation of two new residential lots with the retention of a portion of the existing lot containing the the single detached dwelling, an existing accessory building (garage) and an existing above ground swimming pool.

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." and,

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

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

Though the existing streetscape and contextual value of the property will be impacted, Staff recognize that the proposed two new lot sizes will generally be in keeping with those of adjacent heritage properties.

Staff are supportive of the retention of the existing built heritage resource on the property. Staff do have concerns regarding the design of the proposed additional dwellings as there are no elevations provided. Staff strongly recommend the use of compatible materials and design, specifically, drawing inspiration from vernacular mid-20th century residential architecture.

### **Recommendation**

Based on the preceding information, the requested consent application does generally maintain the intent and purpose of the Rural Hamilton Official Plan, City of Hamilton Zoning By-law 05-200. However, before the severance and minor variances are approved, a Tree Protection Plan is recommended. The City should have some indication of the potential impacts to trees (on and off site) before it approves the severance. Therefore, staff recommend **tabling** the severance application until a Tree Protection Plan is submitted and approved.

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

1. The applicant shall submit and receive approval for a Tree Protection Plan, to the satisfaction of the Manager, Development Planning Heritage & Design.
2. The applicant shall submit and receive approval for an archeological assessment, for the area to be severed, to the satisfaction of the Manager, Development Planning Heritage & Design.
3. That the applicant receives approval of the associated Minor Variance application FL/A-21:204.

**Building Division:**

1. The Consent to Sever - Sketch 2 submitted does not show the road widening or daylight triangle intended to be incorporated into the road allowance as shown on the Site Plan (Revision # 2 dated 2021-06-14) submitted with Minor Variance File No. HM/A-21:204.
2. No dimensions for the existing dwelling, garage and pool have been shown on the submitted plan; however, Minor Variance File No. FL/A-21:204 has identified variances necessary to facilitate Consent Application File Nos: FL/B-21:43 and FL/B-21:44.
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. Be advised that if the shed on Lot 3 is not demolished, a variance will be required to permit the accessory structure (shed) to remain on the retained lands when no main use/building has been established.
5. In order to clear conditions, the applicant will be required to make application for Ontario Building Code compliance and pay the relevant fees.
6. In order to clear conditions, the applicant will be required to make application for a Zoning Compliance Review and pay the relevant fees.

**CONDITIONAL UPON:**

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

5. The owner shall receive final approval of any necessary variances from the requirements of the Zoning By-law as determined necessary by the Planning and Economic Development Department (Building Division – Zoning Section).
6. The owner shall submit survey evidence that the lands to be severed and the lands to be retained, including the location of any existing structure(s), lot coverage, parking, landscaping on lands to be retained and the lot area and lot frontage of the lot to be conveyed, conforms to the requirements of the Zoning By-Law or alternatively apply for and receive final approval of any variances from the requirements of the Zoning By-Law as determined necessary by the Planning and Economic Development Department (Building Division – Zoning Section).
7. The owner shall demolish the shed on the lands to be conveyed (Part 3) to the satisfaction of the Planning and Economic Development Department (Building Division – Zoning Section) or the owner shall receive final approval of any necessary variances from the requirements of the Zoning By-law in order for the shed to remain when no principal use is existing (Building Division – Zoning Section). May be subject to a demolition permit issued in the normal manner.

#### **Development Engineering:**

##### **Information**

According to our GIS records, the subject section of Parkside Drive is classified as a local roadway with an ultimate road allowance right-of-way width of 20.117m, according to the requirements of the Rural Hamilton Official Plan. The current road allowance right-of-way width of the subject section of Parkside Drive is  $\pm 20.0$ m. Therefore, a road allowance widening dedication to the City will not be required.

According to our GIS records, the subject section of Victoria Street is classified as a local roadway with an ultimate road allowance right-of-way width of 20.117m, according to the requirements of the Rural Hamilton Official Plan. The current road allowance right-of-way width of the subject section of Victoria Street is  $\pm 15.0$ m. Therefore, a road widening dedication to the City will be required.

A 4.57m x 4.57m daylighting triangle will be required at the intersection of Parkside Drive and Victoria Street.

The applicant shall provide the **land transfer deed** and **certified R-plan** as proof of land transfer. A survey conducted by an Ontario Land Surveyor and at the applicant's expense will determine the ultimate dimensions for the road allowance widening(s) and daylighting triangle(s).

The municipal services which front the subject property are as follows:

##### **Parkside Drive**

- 200mm $\varnothing$  Sanitary Sewer

- 150mmø Watermain

**Victoria Street**

- 200mmø Sanitary Sewer
- 150mmø Watermain

**Recommendations**

1. That the Owner enter into with the City of Hamilton and register on title of the lands, a Consent Agreement, having an administrative fee of \$4,310.00 (2021 fee) to address issues including but not limited to: lot grading and drainage to a suitable outlet on the conveyed and retained parcels (detailed grading plan required), erosion and sediment control measures (to be included on the grading plan); cash payment requirements for items such as street trees (City policy requires one (1) street tree/lot, inspection of grading, stormwater management infrastructure and securities for items that may include: lot grading (\$10,000.00 grading security), water and sewer service inspections, driveway approaches, relocation of any existing infrastructure (such as hydrants) and any damage during construction (unknown costs at this time). Cash payments mentioned above are subject to change.
2. That, the Owner dedicate, by transfer deed, to the City of Hamilton sufficient lands for the road widening (33 ft from centerline of road at Victoria Street) and daylighting triangle (4.57m x 4.57m at the intersection of Parkside Drive and Victoria Street) dedications at the Owner's expense and to the satisfaction of the Manager of the Engineering Approvals Section.

**Transportation Planning:**

1. Transportation Planning has no objection to the land severance application, provided the following conditions are met:
  - a. The existing right-of-way at the subject property is approximately 15.0 metres. Approximately 2.5 metres are to be dedicated to the right-of-way on Victoria Street, as per the Council Approved Urban Official Plan: Chapter C - City Wide Systems and Designations, 4.5 Road Network Functional Classification, 4.5.2. Local Roads (Victoria Street) are to be 20.117 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).
  - b. The existing right-of-way at the subject property is approximately 20.0 metres. Approximately, 3.0 metres are to be dedicated to the right-of-way on Parkside Drive, as per the Council Approved Urban Official Plan: Schedule C-2 - Future Right-of-Way Dedications. Parkside Drive (Hamilton Street to Milborough Line) is to be 26.213 metres.

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

c. Parkside Drive is an Arterial Road and Victoria Street is a Local Road. The Applicant is to dedicate a 15.0 metres x 15.0 metres triangle to the right-of-way, as per the Council Approved Rural Official Plan: Chapter C - City Wide Systems and Designations 4.5 Road Network Functional Classification; Daylighting Triangles 4.5.7.

**Growth Planning:**

Note: Based on these applications being approved and all conditions being met, the owner / applicant should be made aware that the lands to be conveyed (Part 1) will be assigned the address of **194 Victoria Street (Flamborough)**, the lands to be retained (Part 2) will remain as **198 Victoria Street (Flamborough)**, and the lands to be conveyed (Part 3) will be assigned the address of **334 Parkside Drive (Flamborough)**.

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. (Growth Planning, Growth Management Division)

**See attached for additional comments.**



Hamilton

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

**Date:** June 29, 2021

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

**From:** Sam Brush, Urban Forest Health Technician

**Subject:** 198 Victoria Street, Flamborough  
File: FL/B-21:43  
FL/B-21:44

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## **PREAMBLE**

In response to your Agenda listing for the upcoming meeting on Thursday, July 8th, 2021, regarding the above subject area under discussion, the Forestry & Horticulture Section has reviewed the submission associated with the Application for Consent/Land Severance for this site and provides the following opinion:

## **SCOPE**

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

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

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

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

## TREE MANAGEMENT PLAN

A Tree Management Plan addressing tree protection is required for existing municipal trees during the construction of New Developments, Infrastructure Enhancements, Utility Upgrades, and other site improvements.

The Forestry and Horticulture Section requires that a **Tree Management Plan** be prepared by a **Landscape Architect**, full member OALA with custody and use of professional Seal. Plan must indicate proposal for tree retention or removal.

It is compulsory that all proposed surface treatment changes within individual tree driplines including temporary access roads, be accurately depicted on the submission. The Tree Management Plan must include a Tree Inventory Analysis Table, prepared by a certified **Arborist**. The Tree Inventory Analysis Table shall include the following data plus recommended action for each tree.

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

If it is determined and verified that existing trees can remain, a Tree Protection Zone with notes showing Tree Preservation Techniques and City of Hamilton standard Tree Hoarding detail PK1100.01 shall be included on construction plans to the satisfaction of the Director of Environmental Services.

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

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

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

## LANDSCAPE PLAN

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

## SUMMARY OF FORESTRY CONDITIONS

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

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

Regards,

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

Sam Brush  
Urban Forest Health Technician

## Hansra, Aman

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**From:** Loiacono, Johnpaul (MNR) <Johnpaul.Loiacono@ontario.ca>  
**Sent:** July 5, 2021 9:21 AM  
**To:** Costa, Samantha  
**Cc:** Committee of Adjustment  
**Subject:** RE: July 8th 2021 COA Agenda Available!

Good morning,

NEC staff have reviewed the agenda for the upcoming meeting on July 8, 2021 and provide the following comments:

- **198 Victoria Street** is designated Urban Area and therefore subject to the policies of the Niagara Escarpment Plan (NEP), however, it is outside the area of Development Control and will not require a permit from the Niagara Escarpment Commission (NEC). The policies found within Part 1.7, more specifically 1.7.4 and 2.4 (Lot Creation) of the NEP, as it relates to the severance application, are applicable. The severance, as proposed, is generally permitted. Additionally, the future development should consider the objectives of Part 1.7.5.2 where it encourages the reduction of energy consumption through maximizing opportunities for the use of green infrastructure and low impact design, where and appropriate. The vegetation on site should be protected and maintained to the extent possible.
- **54 Dundas Street East** is designated Urban Area and therefore subject to the policies of the Niagara Escarpment Plan (NEP). It is also within the area of Development Control and therefore will require a permit from the Niagara Escarpment Commission (NEC). There is currently a Development Permit Application (DPA) with the NEC, which has not been issued. A severance application cannot be approved prior to the issuance of a DPA.

Thank you,  
Johnpaul

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**From:** Costa, Samantha <Samantha.Costa@hamilton.ca>  
**Sent:** June 22, 2021 12:52 PM  
**To:** Committee of Adjustment <CofA@hamilton.ca>  
**Subject:** July 8th 2021 COA Agenda Available!

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

Good Afternoon,

Attached is a copy of the Agenda for the July 8<sup>th</sup> 2021 hearing date, please follow the link below for a copy of the package.

**\*\* Please be advised final comments are due by noon, July 2<sup>nd</sup>, if not received, you will be required to attend the virtual hearing, late comments will not be accepted.**

RE: FL/B-21:43, FL/B-21:44, FL/A-21:204

Dear Committee Members,

We are the homeowners at 47 Wellington St. Waterdown, ON (Lot 16)- Bryan and Kirsten Paul. We border the southern property line of the subject property. We have the following concerns with the proposed conveyance of lands:

1. We understand the existing lot is of a size that a severance is feasible. However, due to the fact the existing home has to remain, due to its heritage designation (Vance House), trying to create 3 lots around its existing placement on the lot would not be in keeping with the neighborhood feel. The fact that all 3 proposed lots require variances for reduced sizes, be it frontage and/or lot area, speaks to this "shoehorning" of 2 extra lots.
2. Lot 1 has a proposed width of 15.2M. Although there are 1 or 2 lots in the area that do have a similar width, 99 percent of the lots do not. With this narrow lot, building a new single family dwelling would inevitably mean the removal of a portion of a large tree row ( 60-70 ft high Spruce trees) that run along the southern property line having a major impact on the two lots that border it. Privacy, sound, and neighborhood "feel" would all be negatively impacted.
3. Lot 3 has a proposed depth of only 34.2M and it will not be a corner lot. This is far less deep than, again 99 percent, of the lots in the area. The homes that run down the street east along Parkside Dr. all have 49M depths.
4. With these reduced lot sizes, we feel it is inevitable there will be a massive impact on the mature trees that exist on the property in question. Again, this would severely impact, in a negative way, the privacy and overlook concerns for neighboring homes and reduce the appeal of the area.
5. It is critical the City of Hamilton require a Vegetation Management Plan be in place and approved prior to any plans being approved. We would like to see a 4M tree protection zone run along the southern border on the subject property along lot 16 at a minimum. We believe the new homeowners would enjoy this as well and that it would only increase the value of their home.

We believe it would better preserve the Heritage home's and overall area's character to increase Lot 2's depth to the southern most lot line, eliminate Lot 1 and keep the existing heritage home's lot the entire length of the Victoria St. frontage. This would allow for minimal tree removal and keep the Heritage home (Vance House) on a reduced but appropriately sized lot. This still enables a new in-fill lot and growth in the area.

Finally, in the minor variance notes on pg 383 it is stated that there are no concerns for allowing the variance of the garage to be closer to the property line since "there is sufficient tree coverage to provide privacy". We hope this is the thought process and reasoning used when considering neighboring properties as well when the new build process starts. We would welcome hearing the plans for the trees as it is the biggest area of concern with this proposal. Please see attached photos taken from our backyard which gives a good view of how we may be impacted.

Sincerely,

Bryan and Kirsten Paul

47 Wellington St. Waterdown, ON



Looking north from lot 16 towards the subject property. These trees are critical to our privacy and enjoyment of our property.



The larger Spruce trees are fairly close to the property line so should easily be maintained to keep privacy and beauty for existing homeowners and new homeowners.

## Hansra, Aman

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**From:** Anja Sonnenberg <anja.j.sonnenberg@gmail.com>  
**Sent:** June 28, 2021 7:27 AM  
**To:** Committee of Adjustment  
**Subject:** Comment on Application FL/B-21:43 and FL/B-21:44 and FL/A-21:204

Good morning,

I would like to register to participate by Webex:  
Committee of Adjustment file number: FL/B-21:43 and FL/B-21:44 and FL/A-21:204  
Hearing Date: July 8, 2021  
Time: 3:20 PM  
Name: Anja Sonnenberg  
Address: 338 Parkside Drive, Waterdown, ON, L0R2H0  
Phone: 905-516-7050

Dear Committee of Adjustment,

We are providing comments on Applications FL/B-21:43, FL/A204,-21:44 and FL/B-21: Subject Property 198 Victoria St., Flamborough.

We are a family adjacent to the property in question and are strongly opposed to the severing of 198 Victoria Street into three properties. The existing property contains one of the first homes in the first survey in Waterdown, and the property is only marginally larger than the other plots in the area, To split the property into not two but three plots will no longer fit into the aesthetics of the neighbourhood.

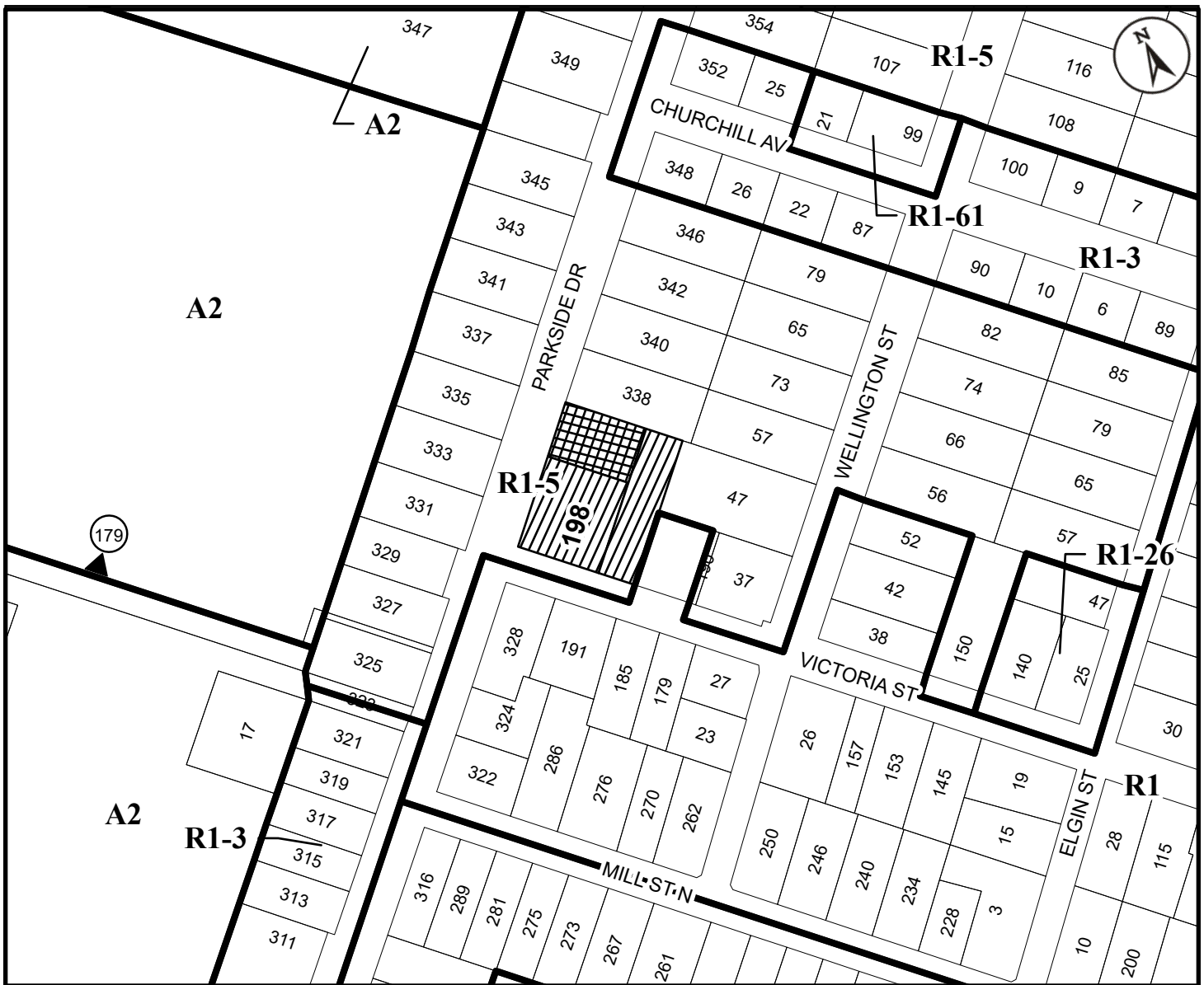
There are currently six variances between the two applications being requested, all of which are related to the small size of the proposed lots. In the case of Lot 3 the proposed dwelling is 1.2 meters from our fence. In a neighbourhood that has 9+ meters between houses it is preposterous to propose a house that sits so close to the property line.

In addition to the small lots proposed, the developer has clearly no interest in saving the mature trees or greenery on the property. There are many trees, 50+ years old, that will be removed to make way for these houses. If people wish to purchase a new house with a small property and no trees they can go purchase one of the 5000+ homes they are building on Highway 5.

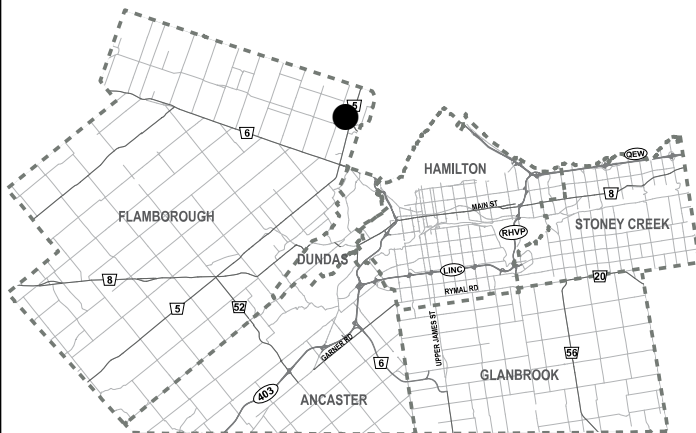
While we understand that developers purchasing land is inevitable, we believe that there has to be a better plan for developing 198 Victoria Street that would allow the current and proposed house(s) to fit into the neighbourhood, and rather than bulldozing the property of all greenery a plan to retain as many trees as possible.

Regards,

The Sonnenberg Family  
338 Parkside Drive, Waterdown, ON, L0R2H0



## ● Site Location



**City of Hamilton**

## Committee of Adjustment

### Subject Property

198 Victoria Street, Flamborough (Ward 15)



Lands to be Retained



Lands to be Severed

File Name/Number:

FL/B-21:44

Date:

June 29, 2021

Technician:

NB

Map Not To Scale

Appendix "A"



**Hamilton**

PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT

**FL/A-21:204 – 198 Victoria St., Flamborough**

**Consolidation Report**

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

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

**FL/A-21:204 – 198 Victoria St., Flamborough**

**PLANNING and ECONOMIC DEVELOPMENT DEPARTMENT**

**Development Planning – Rural**

The purpose of this application is to permit a lot to be retained (shown as Lot 2 pursuant to Consent Application File Nos. FL/B-21:43 and FL/B-21:44) containing an existing single detached dwelling, an existing accessory building (garage) and an existing above ground swimming pool and to permit two (2) lots to be conveyed (shown as Lot 1 pursuant to Consent Application File No. FL/B-21:43 and shown as Lot 3 pursuant to Consent Application File No. FL/B-21:44) to contain a single detached dwelling on each lot.

**Urban Hamilton Official Plan**

The Urban Hamilton Official Plan designates the subject lands as “Neighbourhoods” in Schedule E-1 – Urban Land Use Designations. The residential use complies with the Official Plan.

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

The subject lands are zoned “R1-5” Urban Residential (Single Detached) Zone to which the use complies.

**Natural Heritage**

The severance and minor variance application will require a Tree Protection Plan (showing how trees will be protected on site) and a Landscape Plan (showing compensation plantings for any trees removed). There are many mature trees on site which will be impacted by construction and grading. Natural Heritage staff are particularly concerned because boundary trees, which are shared ownership with abutting properties (190 Victoria Street, and 47 Wellington Street), will likely be impacted by construction and grading. Under the Forestry Act, one co-owner cannot injure or remove a boundary tree without the other co-owner’s permission.

Before the severance and minor variances are approved, a Tree Protection Plan is recommended. The City should have some indication of the potential impacts to trees (on and off site) before it approves the severance.

**Archeology**

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

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

These criteria define the property as having archaeological potential. Accordingly, Section 2 (d) of the Planning Act and Section 2.6.2 of the Provincial Policy Statement apply to the subject application. If this 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 portion of the property to be conveyed and mitigate, through preservation or resource removal and documentation, adverse impacts to any significant archaeological resources found. No demolition, grading, construction activities, landscaping, staging, stockpiling or other soil disturbances shall take place on the subject property prior to the approval of the Director of Planning confirming that all archaeological resource concerns have met conservation requirements. All archaeological reports shall be submitted to the City of Hamilton concurrent with their submission to the Ministry of Heritage, Sport, Tourism and Culture Industries (MHSTCI).

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

### Cultural Heritage

The subject property contains a circa 1941 dwelling listed on the City's Inventory of Heritage Buildings that is currently recommended for addition to the Register of Property of Cultural Heritage Value or Interest as a non-designated property. The property is additionally located within the Village of Waterdown and the Waterdown Heights Subdivision Inventoried Cultural Heritage Landscapes.

The dwelling was constructed for Harold McMonies Vance, great grandson of James McMonies, the area's first Member of Parliament. H.M. Vance's son, John Peter Fleming Vance was a co-author of the township history book published in 1967 and was the founding president of the Waterdown-East Flamborough Heritage Society.

The subject property is located in an area of concentrated heritage potential. There are 13 adjacent properties listed on the City's Inventory of Heritage Buildings, seven of which are additionally recommended for addition to the Register.

The proponent proposes the creation of two new residential lots with the retention of a portion of the existing lot containing the single detached dwelling, an existing accessory building (garage) and an existing above ground swimming pool.

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.” and,

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

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

Though the existing streetscape and contextual value of the property will be impacted, Staff recognize that the proposed two new lot sizes will generally be in keeping with those of adjacent heritage properties.

Staff are supportive of the retention of the existing built heritage resource on the property. Staff do have concerns regarding the design of the proposed additional dwellings as there are no elevations provided. Staff strongly recommend the use of compatible materials and design, specifically, drawing inspiration from vernacular mid-20th century residential architecture.

Variances required for the Lot 2 (Lot to be Retained pursuant to Consent Application File No. FL/B-21:44)

#### **Variance 1 (Minimum Rear Yard Setback)**

The applicant is seeking a variance for a minimum rear yard of 3.3m to be provided for the existing single detached dwelling instead of the minimum required rear yard of 7.5m.

Staff note that the reduction to the rear yard setback for the existing dwelling is only for a portion of the dwelling, as the existing dwelling is in the form of a ‘L’ shape. The remainder of the dwelling will exceed the minimum rear yard requirements. Staff note that the existing garage may be removed, which would eliminate the need for the variance, although since the structure is part of the neighbourhood character, staff support that the garage is maintained. In addition, there is sufficient tree coverage to provide privacy, while sufficient space is provided for structure maintenance and repair. Therefore, the intent of the Zoning By-law is maintained, and the variance is minor in nature and appropriate for the development of the subject property. Accordingly, **staff support the variance.**

### **Variance 2 (Eaves and Gutters)**

The applicant is seeking a variance for eaves and gutters of the existing single detached dwelling to be permitted to project a maximum of 1.0m into a required yard instead of the requirement that the eaves and gutters may project a maximum of 0.65m into a required yard.

The general intent and purpose of the UHOP is to maintain the existing neighbourhood character. Staff recognize the variance is desirable for the development and minor in nature as no negative impacts to subject lands or adjoining properties are anticipated. Based on the foregoing, the Official Plan and Zoning By-law is being maintained, the variance is desirable for the development and minor in nature; therefore, **staff support the variance.**

### **Variance 3 (Side Lot Line Setback)**

The applicant is seeking a variance for the existing accessory building (garage) to be a minimum of 0.4m from the interior side lot line and a minimum of 0.3m from the rear lot line instead of the requirement that no accessory building or structure shall be located within 1 metre of an interior side lot line or rear lot line.

The general intent and purpose of the UHOP is to maintain the existing neighbourhood character. Staff recognize the variance is desirable for the development and minor in nature as no negative impacts to subject lands or adjoining properties are anticipated. Based on the foregoing, the Official Plan and Zoning By-law is being maintained, the variance is desirable for the development and minor in nature; therefore, **staff support the variance.**

### **Variance 4 (Lot Coverage)**

The applicant is seeking a maximum total accessory building lot coverage of 6.1% to be permitted for the existing accessory building (garage) shall instead of the requirement that the total lot coverage of all accessory buildings or structures on a lot, except for swimming pools, shall not exceed 5% of the lot area.

The general intent and purpose of the UHOP is to maintain the existing neighbourhood character. Staff recognize the variance is desirable for the development and minor in nature as no negative impacts to subject lands or adjoining properties are anticipated. Based on the foregoing, the Official Plan and Zoning By-law is being maintained, the variance is desirable for the development and minor in nature; therefore, **staff support the variance.**

**Variances required for the Lot 1 (Lot to be Conveyed pursuant to Consent Application File No. FL/B-21:43):**

### **Variance 1 (Minimum Lot Area)**

The applicant is seeking a variance for a minimum lot area of 927m<sup>2</sup> shall be provided instead of the minimum required lot area of 975m<sup>2</sup>.

Staff note that the proposed variance for lot area is a minor reduction which is approximately 48m<sup>2</sup> below the minimum requirement. Staff note that the variance is desirable and appropriate because it is compatible within the existing neighbourhood and built form. Staff note that the existing residential lands within the vicinity of the subject lands have a mix and range of lot areas ranging from 500m<sup>2</sup> to 1,000m<sup>2</sup>. Therefore, the intent of the Zoning By-law is maintained, and the variance is minor in nature and appropriate for the development of the subject property. Accordingly, **staff support the variance.**

### **Variance 2 (Minimum Lot Frontage)**

The applicant is seeking a variance for a minimum lot frontage of 15.0m shall be provided instead of the minimum required lot frontage of 22.0m.

Staff note that the variances is desirable and appropriate because it is compatible within the existing neighbourhood and built form. Staff note that the existing residential lands within the vicinity of the subject lands have a mix and range of lot frontage ranging from 15m to 30m. Therefore, the intent of the Zoning By-law is maintained, and the variance is minor in nature and appropriate for the development of the subject property. Accordingly, **staff support the variance.**

Variance required for the Lot 3 (Lot to be Conveyed pursuant to Consent Application File No. FL/B-21:44):

### **Variance 1 (Minimum Lot Area)**

The applicant is seeking a variance for a minimum lot area of 718m<sup>2</sup> to be provided instead of the minimum required lot area of 975m<sup>2</sup>.

Staff note that the subject variance is desirable and appropriate because it is compatible within the existing neighbourhood and built form. Staff note that the existing residential lands within the vicinity of the subject lands have a mix and range of lot areas ranging from 500 m<sup>2</sup> to 1,000 m<sup>2</sup>. Therefore, the intent of the Zoning By-law is maintained, and the variance is minor in nature and appropriate for the development of the subject property. Accordingly, **staff support the variance.**

### **Recommendation**

Based on the preceding information, the requested variances, generally maintain the intent and purpose of the Rural Hamilton Official Plan, City of Hamilton Zoning By-law 05-200. However, before the severance and minor variances are approved, a Tree Protection

Plan is recommended. The City should have some indication of the potential impacts to trees (on and off site) before it approves the severance. Therefore, staff recommend **tabling** the severance application until a Tree Protection Plan is submitted and approved.

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

1. The applicant shall submit and receive approval for a Tree Protection Plan, to the satisfaction of the Manager, Development Planning Heritage & Design.
2. The applicant shall submit and receive approval for an archeological assessment, for the area to be severed, to the satisfaction of the Manager, Development Planning Heritage & Design.

**Building Division:**

1. The revised Site Plan (Revision 2 dated 2121-06-14) and the June 14, 2021 letter from IBI Group which were forwarded to Kim Roberts and Jamila Sheffield in a June 14, 2021 email from Ritee Haider of IBI Group were not attached to the Notice.
2. The variances are necessary to facilitate Consent Application File Nos: FL/B-21:43 and FL/B-21:44.
3. The Site Plan (Revision 2 dated 2121-06-14) shows a 4.57m x 4.57m daylight triangle to be taken at the corner of Victoria Street and Parkside Drive and a 1.5m road widening to be taken along Parkside Drive. The above noted variances have been based on the 4.57m x 4.57m daylight triangle being incorporated into the Victoria Street and Parkside Drive road allowances and the 1.5m road widening being incorporated into the Parkside Drive road allowance.
4. Pursuant to Variance No. 4 for the Lot 2 (Lot to be Retained pursuant to Consent Application File No. FL/B-21:44), the applicant requested an accessory building lot coverage of 6.0%; however, an accessory building coverage of 6.1% is actually shown which has been indicated in the variance.
5. This property is listed in the City of Hamilton's Inventory of Buildings of Architectural and/or Historical Interest as a property of cultural heritage value or interest. Please contact a Cultural Heritage Planner at (905) 546-2424, extension 1202 or 1214, or visit [www.hamilton.ca/heritageplanning](http://www.hamilton.ca/heritageplanning) for further information.
6. Be advised that Ontario Building Code regulations may require specific setback and construction types. The Ontario Building Code prohibits an unprotected opening in a building face adjacent to a side yard less than 1.2m in width and will regulate the type of construction permitted as the limiting distance is less than 0.6m.

**Development Engineering:**

Development Engineering Approvals **recommends denial of minor variance #3** regarding the reduced side yard (garage side) set backs of 0.50m and 0.40m. As per the Lot Grading Policy, a **minimum of 1.2m (on the garage side) shall be provided** for the purposes of maintenance and *side yard swales* to capture and convey stormwater run-off, all in efforts to protect the adjacent lands from any adverse impacts with respect to flooding.

**See attached for additional comments.**

## Hansra, Aman

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**From:** Loiacono, Johnpaul (MNR) <Johnpaul.Loiacono@ontario.ca>  
**Sent:** July 5, 2021 9:21 AM  
**To:** Costa, Samantha  
**Cc:** Committee of Adjustment  
**Subject:** RE: July 8th 2021 COA Agenda Available!

Good morning,

NEC staff have reviewed the agenda for the upcoming meeting on July 8, 2021 and provide the following comments:

- **198 Victoria Street** is designated Urban Area and therefore subject to the policies of the Niagara Escarpment Plan (NEP), however, it is outside the area of Development Control and will not require a permit from the Niagara Escarpment Commission (NEC). The policies found within Part 1.7, more specifically 1.7.4 and 2.4 (Lot Creation) of the NEP, as it relates to the severance application, are applicable. The severance, as proposed, is generally permitted. Additionally, the future development should consider the objectives of Part 1.7.5.2 where it encourages the reduction of energy consumption through maximizing opportunities for the use of green infrastructure and low impact design, where and appropriate. The vegetation on site should be protected and maintained to the extent possible.
- **54 Dundas Street East** is designated Urban Area and therefore subject to the policies of the Niagara Escarpment Plan (NEP). It is also within the area of Development Control and therefore will require a permit from the Niagara Escarpment Commission (NEC). There is currently a Development Permit Application (DPA) with the NEC, which has not been issued. A severance application cannot be approved prior to the issuance of a DPA.

Thank you,  
Johnpaul

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**From:** Costa, Samantha <Samantha.Costa@hamilton.ca>  
**Sent:** June 22, 2021 12:52 PM  
**To:** Committee of Adjustment <CofA@hamilton.ca>  
**Subject:** July 8th 2021 COA Agenda Available!

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

Good Afternoon,

Attached is a copy of the Agenda for the July 8<sup>th</sup> 2021 hearing date, please follow the link below for a copy of the package.

**\*\* Please be advised final comments are due by noon, July 2<sup>nd</sup>, if not received, you will be required to attend the virtual hearing, late comments will not be accepted.**

RE: FL/B-21:43, FL/B-21:44, FL/A-21:204

Dear Committee Members,

We are the homeowners at 47 Wellington St. Waterdown, ON (Lot 16)- Bryan and Kirsten Paul. We border the southern property line of the subject property. We have the following concerns with the proposed conveyance of lands:

1. We understand the existing lot is of a size that a severance is feasible. However, due to the fact the existing home has to remain, due to its heritage designation (Vance House), trying to create 3 lots around its existing placement on the lot would not be in keeping with the neighborhood feel. The fact that all 3 proposed lots require variances for reduced sizes, be it frontage and/or lot area, speaks to this "shoehorning" of 2 extra lots.
2. Lot 1 has a proposed width of 15.2M. Although there are 1 or 2 lots in the area that do have a similar width, 99 percent of the lots do not. With this narrow lot, building a new single family dwelling would inevitably mean the removal of a portion of a large tree row ( 60-70 ft high Spruce trees) that run along the southern property line having a major impact on the two lots that border it. Privacy, sound, and neighborhood "feel" would all be negatively impacted.
3. Lot 3 has a proposed depth of only 34.2M and it will not be a corner lot. This is far less deep than, again 99 percent, of the lots in the area. The homes that run down the street east along Parkside Dr. all have 49M depths.
4. With these reduced lot sizes, we feel it is inevitable there will be a massive impact on the mature trees that exist on the property in question. Again, this would severely impact, in a negative way, the privacy and overlook concerns for neighboring homes and reduce the appeal of the area.
5. It is critical the City of Hamilton require a Vegetation Management Plan be in place and approved prior to any plans being approved. We would like to see a 4M tree protection zone run along the southern border on the subject property along lot 16 at a minimum. We believe the new homeowners would enjoy this as well and that it would only increase the value of their home.

We believe it would better preserve the Heritage home's and overall area's character to increase Lot 2's depth to the southern most lot line, eliminate Lot 1 and keep the existing heritage home's lot the entire length of the Victoria St. frontage. This would allow for minimal tree removal and keep the Heritage home (Vance House) on a reduced but appropriately sized lot. This still enables a new in-fill lot and growth in the area.

Finally, in the minor variance notes on pg 383 it is stated that there are no concerns for allowing the variance of the garage to be closer to the property line since "there is sufficient tree coverage to provide privacy". We hope this is the thought process and reasoning used when considering neighboring properties as well when the new build process starts. We would welcome hearing the plans for the trees as it is the biggest area of concern with this proposal. Please see attached photos taken from our backyard which gives a good view of how we may be impacted.

Sincerely,

Bryan and Kirsten Paul

47 Wellington St. Waterdown, ON



Looking north from lot 16 towards the subject property. These trees are critical to our privacy and enjoyment of our property.



The larger Spruce trees are fairly close to the property line so should easily be maintained to keep privacy and beauty for existing homeowners and new homeowners.

## Hansra, Aman

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**From:** Anja Sonnenberg <anja.j.sonnenberg@gmail.com>  
**Sent:** June 28, 2021 7:27 AM  
**To:** Committee of Adjustment  
**Subject:** Comment on Application FL/B-21:43 and FL/B-21:44 and FL/A-21:204

Good morning,

I would like to register to participate by Webex:  
Committee of Adjustment file number: FL/B-21:43 and FL/B-21:44 and FL/A-21:204  
Hearing Date: July 8, 2021  
Time: 3:20 PM  
Name: Anja Sonnenberg  
Address: 338 Parkside Drive, Waterdown, ON, L0R2H0  
Phone: 905-516-7050

Dear Committee of Adjustment,

We are providing comments on Applications FL/B-21:43, FL/A204,-21:44 and FL/B-21: Subject Property 198 Victoria St., Flamborough.

We are a family adjacent to the property in question and are strongly opposed to the severing of 198 Victoria Street into three properties. The existing property contains one of the first homes in the first survey in Waterdown, and the property is only marginally larger than the other plots in the area, To split the property into not two but three plots will no longer fit into the aesthetics of the neighbourhood.

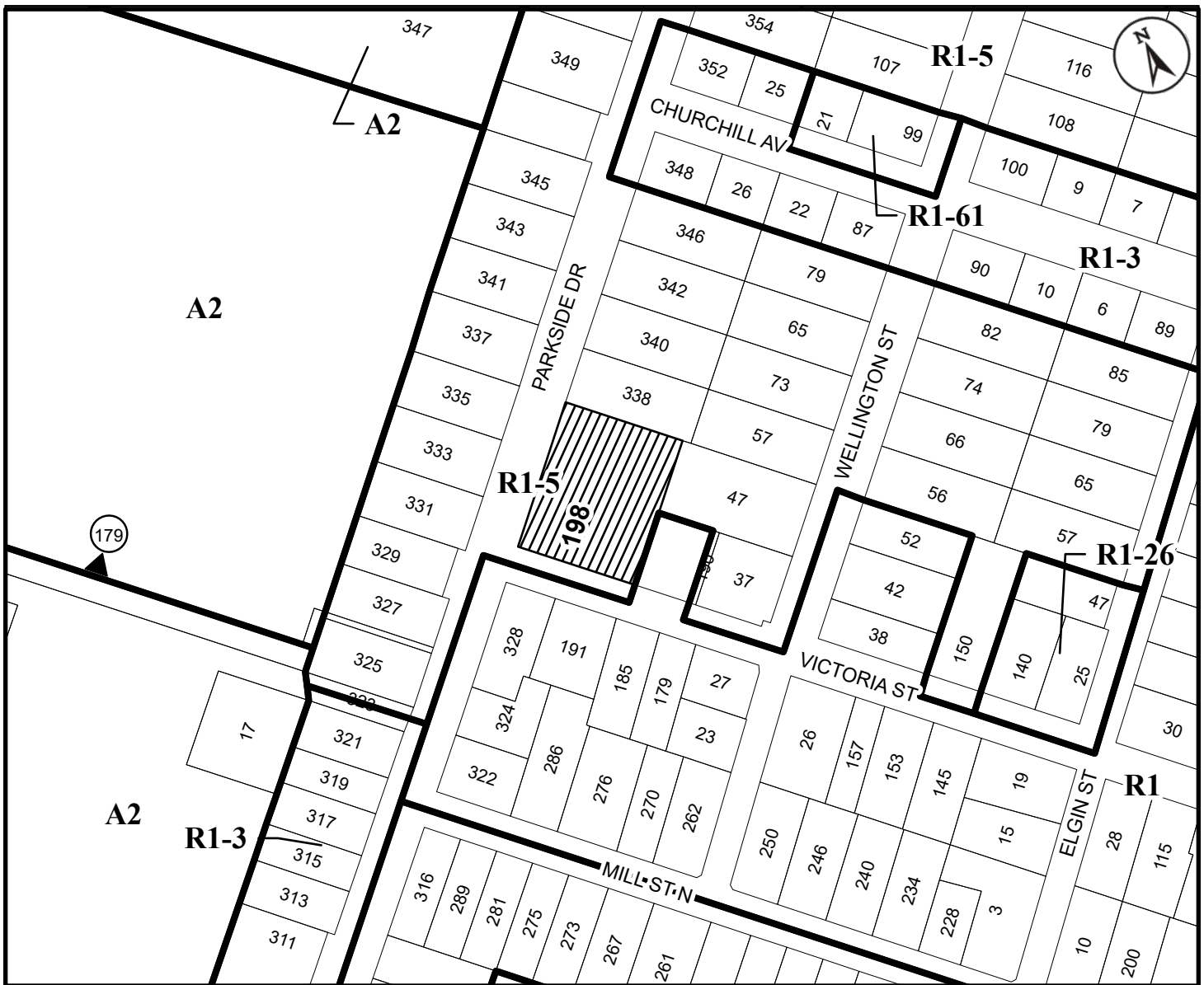
There are currently six variances between the two applications being requested, all of which are related to the small size of the proposed lots. In the case of Lot 3 the proposed dwelling is 1.2 meters from our fence. In a neighbourhood that has 9+ meters between houses it is preposterous to propose a house that sits so close to the property line.

In addition to the small lots proposed, the developer has clearly no interest in saving the mature trees or greenery on the property. There are many trees, 50+ years old, that will be removed to make way for these houses. If people wish to purchase a new house with a small property and no trees they can go purchase one of the 5000+ homes they are building on Highway 5.

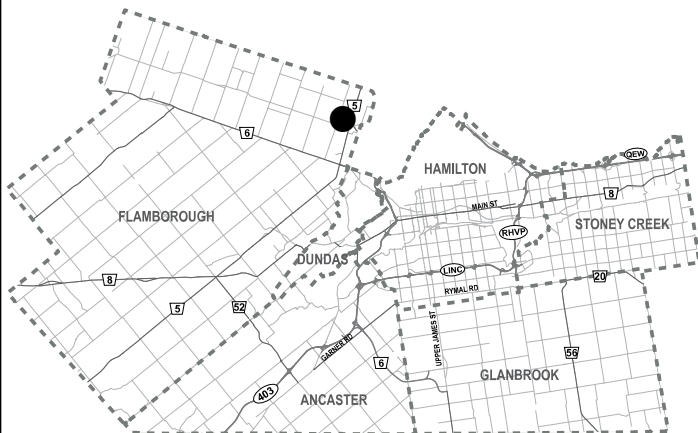
While we understand that developers purchasing land is inevitable, we believe that there has to be a better plan for developing 198 Victoria Street that would allow the current and proposed house(s) to fit into the neighbourhood, and rather than bulldozing the property of all greenery a plan to retain as many trees as possible.

Regards,

The Sonnenberg Family  
338 Parkside Drive, Waterdown, ON, L0R2H0



# ● Site Location



**City of Hamilton**

## Committee of Adjustment

### Subject Property



198 Victoria Street, Flamborough  
(Ward 15)

File Name/Number:

FL/A-21:204

Date:

June 29, 2021

Technician:

NB

Map Not To Scale

Appendix "A"



Hamilton

PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT

Chair and Members of Committee of Adjustment  
c/o Jamila Sheffield

## **Attachment B**

**From:** [Sheffield, Jamila](#)  
**To:** [Mike Crough](#)  
**Subject:** FW: Comments regarding FL/B-21:43, FL/B-21:44, & FL/A-21:204  
**Date:** Friday, July 9, 2021 8:31:10 AM  
**Attachments:** [image001.png](#)

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Good Morning Mike,

Here were the updated comments that we had received.

If you would like more information regarding the conditions, please contact Transportation Planning and/or Development Engineering Approvals.

Thanks,

Jamila

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**From:** Transportation Planning <Transportation.Planning@hamilton.ca>  
**Sent:** July 8, 2021 9:52 AM  
**To:** Hansra, Aman <Aman.Hansra@hamilton.ca>; Sheffield, Jamila <Jamila.Sheffield@hamilton.ca>  
**Cc:** Panovski, Zivko <Zivko.Panovski@hamilton.ca>  
**Subject:** RE: Comments regarding FL/B-21:43, FL/B-21:44, & FL/A-21:204

Hello,

I have discussed this with our team, and please note the new requirement for the daylighting triangle, without setting precedent, is 4.57m x 4.57m.

No right-of-way dedications are required.

Thank you,

***Tiffany Wolsey***

**On behalf of Transportation Planning**

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

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**From:** Hansra, Aman <[Aman.Hansra@hamilton.ca](mailto:Aman.Hansra@hamilton.ca)>  
**Sent:** July 6, 2021 12:20 PM  
**To:** Panovski, Zivko <[Zivko.Panovski@hamilton.ca](mailto:Zivko.Panovski@hamilton.ca)>; Transportation Planning <[Transportation.Planning@hamilton.ca](mailto:Transportation.Planning@hamilton.ca)>  
**Subject:** Comments regarding FL/B-21:43, FL/B-21:44, & FL/A-21:204

Hi there,

In the comments that were provided by Transportation Planning and Dev. Engineering for the applications noted above, there are two different sizes of Daylight Triangles being asked for. Can you please confirm which one should be noted in the condition?

Transportation Planning:

Parkside Drive is an Arterial Road and Victoria Street is a Local Road. The Applicant is to dedicate a 15.0 metres x 15.0 metres triangle to the right-of-way, as per the Council Approved Rural Official Plan: Chapter C - City Wide Systems and Designations 4.5 Road Network Functional Classification; Daylighting Triangles 4.5.7.

Development Engineering:

That, the Owner dedicate, by transfer deed, to the City of Hamilton sufficient lands for the road widening (33 ft from centreline of road at Victoria Street) and daylighting triangle (4.57m x 4.57m at the intersection of Parkside Drive and Victoria Street) dedications at the Owner's expense and to the satisfaction of the Manager of the Engineering Approvals Section.

Kindest regards,

Aman Hansra

Planning Technician II - Committee of Adjustment  
Planning and Economic Development

Hamilton City Hall – 5<sup>th</sup> Floor

905-546-2424 ext. 3935

[aman.hansra@hamilton.ca](mailto:aman.hansra@hamilton.ca)



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

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