



Hamilton

STAFF COMMENTS

HEARING DATE: February 13, 2024

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

Recommendation:

Development Planning - Tabled

Proposed Conditions:

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

Proposed Notes:

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

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

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



Hamilton

Development Planning:

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

	Frontage	Depth	Area
Severed Lands	48.4 m+	56.4 m±	2,705 m2 ±
Retained Lands	51.5 m±	45.8 m±	2,158 m2 ±

Analysis

Urban Hamilton Official Plan

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

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

Archaeology

No comment.

Cultural Heritage

No comment.

Zoning:

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



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

Development Engineering:

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

Transportation Planning:

Recommendation:	Approve
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Building Engineering:

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

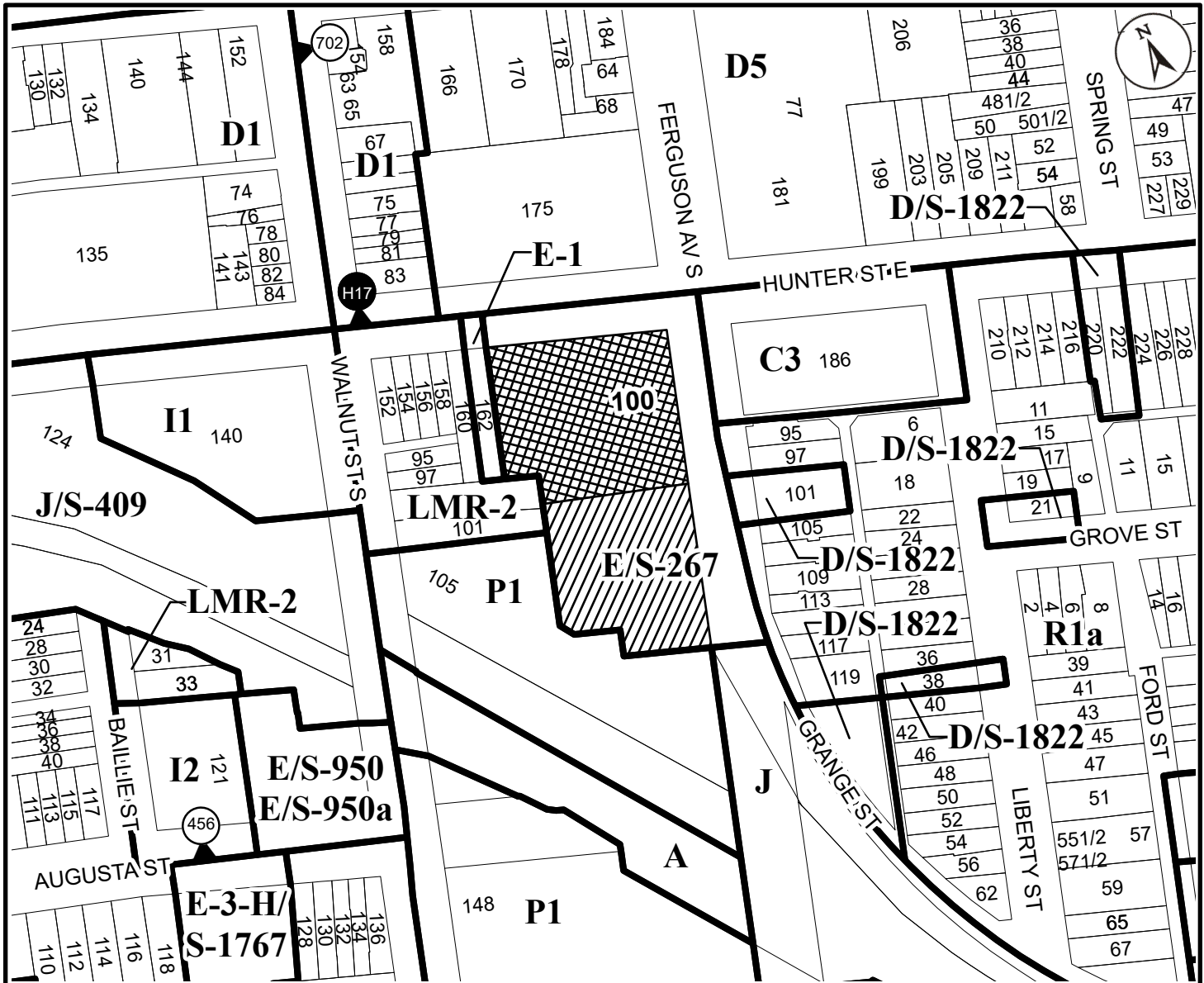
Forestry and Horticulture:

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

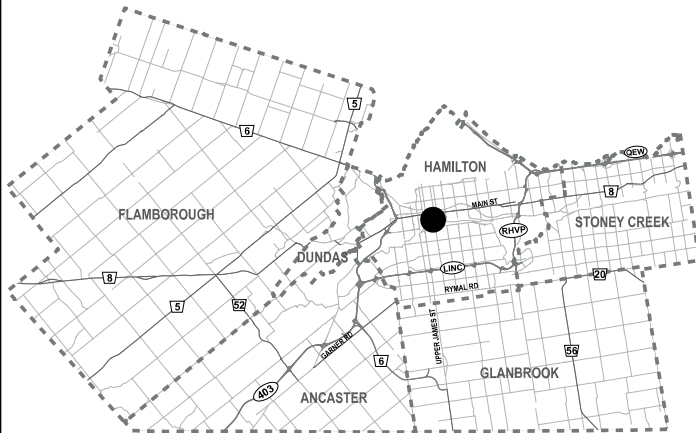
Legislative Approvals:

Recommendation:	Comments Only
Comments:	The lands to be severed (Building B) will remain as 100 Ferguson Avenue South (Hamilton) . The lands to be retained (Building A) will be assigned the address of 108 Ferguson Avenue South (Hamilton) .
Notes:	We ask that the Owner agrees to physically affix the municipal numbers or full addresses to either the buildings or on signs in accordance with the City’s Sign By-law, in a manner that is clearly visible from the road.

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



● Site Location



City of Hamilton

Committee of Adjustment

Subject Property

100 Ferguson Avenue South, Hamilton
(Ward 2)



Lands to be Retained



Lands to be Severed

File Name/Number:

HM/B-23:96

Date:

January 30, 2024

Technician:

AL

Map Not To Scale

Appendix "A"



Hamilton