



Hamilton

STAFF COMMENTS

HEARING DATE: February 13, 2024

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

Recommendation:

Development Planning - Approve

Proposed Conditions:

1. The owner shall submit a deposited Ontario Land Surveyor's Reference Plan to the Committee of Adjustment Office, unless exempted by the Land Registrar. The reference plan must be submitted in pdf and also submitted in CAD format, drawn at true scale and location and tied to the City corporate coordinate system. (Committee of Adjustment Section)
2. The owner shall pay any outstanding realty taxes and/or all other charges owing to the City Treasurer. (Committee of Adjustment Section)
3. The owner submits to the Committee of Adjustment office an administration fee, payable to the City of Hamilton, to cover the costs of setting up a new tax account for each newly created lot. (Committee of Adjustment Section)
4. The owner shall submit survey evidence that the lands to be severed and the lands to be retained, including the location of any existing structure(s), parking and landscaping, conform to the requirements of the Zoning By-Law or alternatively apply for and receive final approval of the appropriate Planning Act application in order to seek relief from the requirements of the Zoning By-law (Planning Division – Zoning Review Section).
5. The owner shall submit a Zoning Compliance Review application to the satisfaction of the Planning and Economic Development Department (Planning Division – Zoning Review Section).
6. The owner/applicant shall apply for a demolition permit to demolish all or an appropriate portion of any buildings straddling the proposed property line, or alternatively apply for and receive final approval of the appropriate Planning Act application in order to seek relief from the requirements of the Zoning By-law (Planning Division – Zoning Review Section).
7. That the Owner must enter into with the City of Hamilton and register, a Consent Agreement, having an administrative fee of \$5,065.00 (includes grading plan review) to address issues including but not limited to: lot grading and drainage to a suitable outlet on the conveyed and retained parcels (detailed grading plan required), erosion and sediment control measures (to be included on the grading plan); cash payment requirements for items such as any outstanding servicing cost for the existing municipal services adjacent to the property, street trees (City policy requires one (1) street tree/lot, inspection of grading, stormwater management infrastructure and securities for items that may include: lot grading (\$10,000.00 grading security), water and sewer



Hamilton

STAFF COMMENTS

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services inspections, driveway approaches, relocation of any existing infrastructure (such as hydrants) and any damage during construction (unknown costs at this time), to the satisfaction of the City's Director of Development Engineering.

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

Proposed Notes:

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

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

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



Development Planning:

Background

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

	Frontage	Depth	Area
Severed Lands	7.5 m±	29.7 m±	222.6 m2 ±
Retained Lands	8.4 m±	29.7 m±	251.7 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 and E.3.4.3, among others, are applicable.

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

Archaeology

No comment.

Cultural Heritage

No comment.

Zoning By-law City of Hamilton 05-200

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



Hamilton

Lands Retained

Variance 1

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

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

Variance 2

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

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

Variance 3

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

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

Severed Lands

Variance 4



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

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

Variance 5

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

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

Variance 6

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

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

Zoning:

Recommendation:	Comments and Conditions / Notes
Proposed Conditions:	1. The owner shall submit survey evidence that the lands to be severed and the lands to be retained, including the location of any existing structure(s), parking and landscaping, conform to the requirements of the Zoning By-Law or alternatively apply for and receive final approval of the appropriate



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

Development Engineering:

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



	parcels (detailed grading plan required), erosion and sediment control measures (to be included on the grading plan); cash payment requirements for items such as any outstanding servicing cost for the existing municipal services adjacent to the property, street trees (City policy requires one (1) street tree/lot, inspection of grading, stormwater management infrastructure and securities for items that may include: lot grading (\$10,000.00 grading security), water and sewer services inspections, driveway approaches, relocation of any existing infrastructure (such as hydrants) and any damage during construction (unknown costs at this time), to the satisfaction of the City's Director of Development Engineering.
Comments:	The proponent will be required to provide separate independent sewer and water services to the severed and retained parcels.

Transportation Planning:

Recommendation:	Approve
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Building Engineering:

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

Forestry and Horticulture:

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

Legislative Approvals:



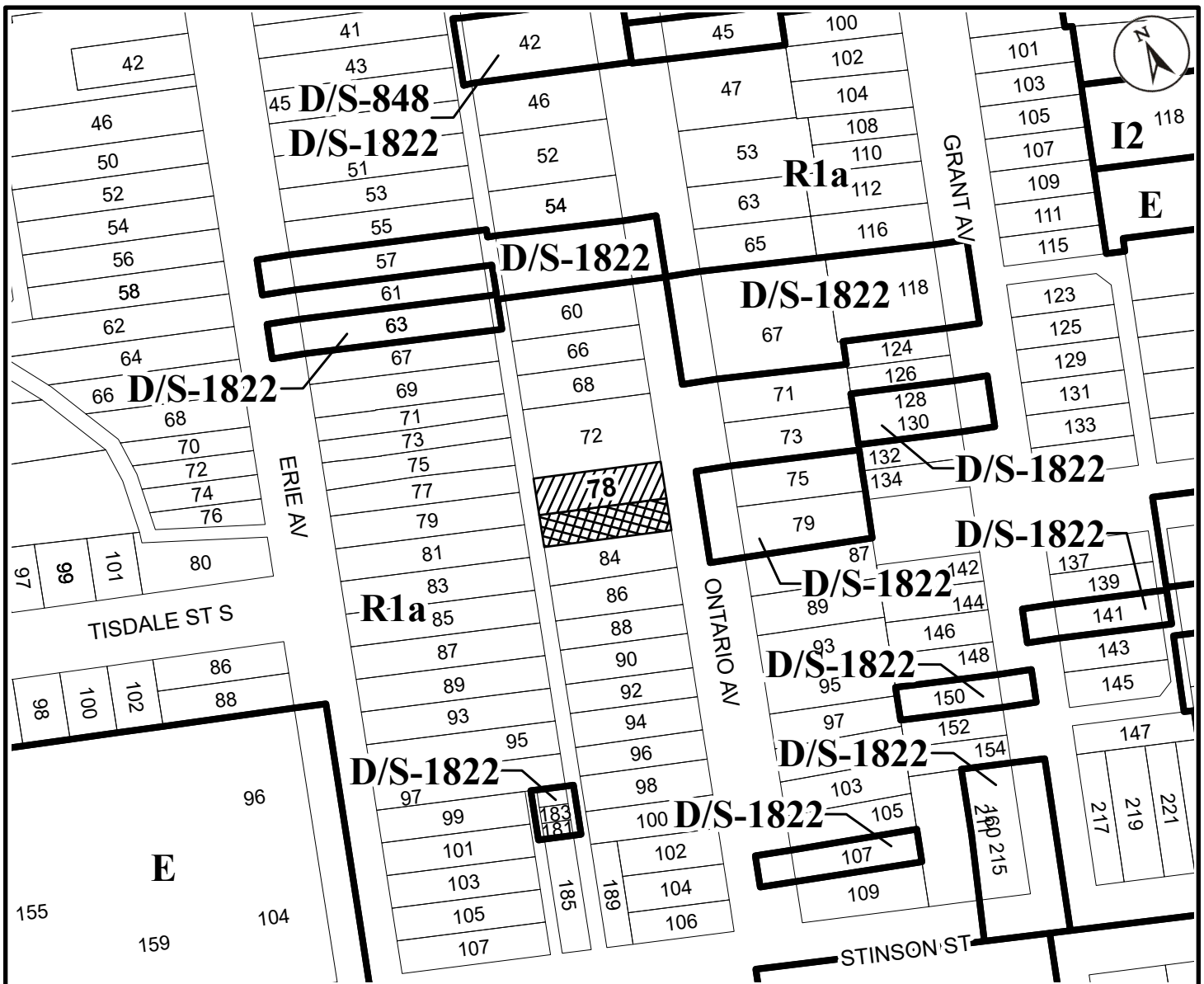
Hamilton

STAFF COMMENTS

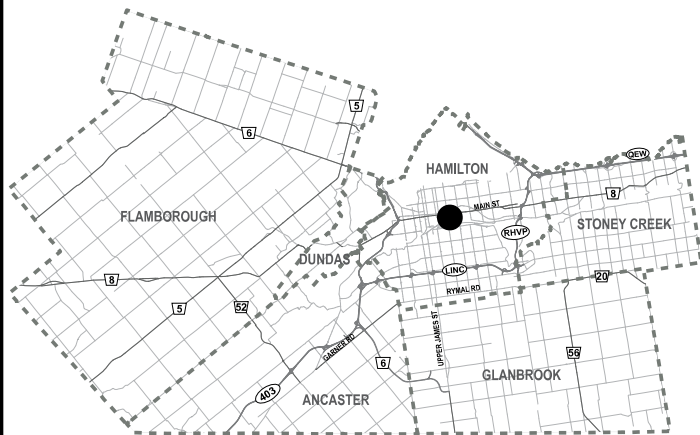
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Recommendation	Comments Only
Comments:	The lands to be retained (Part 1) will remain as 78 Ontario Avenue (Hamilton) . The lands to be severed (Part 2) will be assigned the address of 80 Ontario Avenue (Hamilton) .
Notes:	We ask that the Owner agrees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

78 Ontario Avenue, Hamilton (Ward 3)

 Lands to be Retained

 Lands to be Severed

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

Date:
January 30, 2024

Technician:
AL

Map Not To Scale

Appendix "A"



Hamilton