



Hamilton

**STAFF COMMENTS**

**HEARING DATE: February 13, 2024**

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

**Recommendation:**

Development Planning - Approve

**Proposed Conditions:**

1. The owner shall submit a deposited Ontario Land Surveyor's Reference Plan to the Committee of Adjustment Office, unless exempted by the Land Registrar. The reference plan must be submitted in pdf and also submitted in CAD format, drawn at true scale and location and tied to the City corporate coordinate system. (Committee of Adjustment Section)
2. The owner shall pay any outstanding realty taxes and/or all other charges owing to the City Treasurer. (Committee of Adjustment Section)
3. The owner submits to the Committee of Adjustment office an administration fee, payable to the City of Hamilton, to cover the costs of setting up a new tax account for each newly created lot. (Committee of Adjustment Section)
4. The owner/applicant shall receive final and binding approval of minor variance application HM/A-23:341 (Planning Division – Zoning Review Section).
5. The owner/applicant shall submit survey evidence that the lands to be severed and the lands to be retained, including the location of any existing structure(s), parking and landscaping conform to the requirements of the Zoning By-Law or alternatively apply for and receive final approval of the appropriate Planning Act application in order to seek relief from the requirements of the Zoning By-law (Planning Division – Zoning Review Section).
6. That the Owner provide separate independent sewer and water services or proof of separate independent sewer and water services to both the severed and retained parcels. If there are shared sewer or water services between the severed and retained parcels, the Owner will be required to enter into and register on title of the lands, a Joint Service Agreement and pay the applicable agreement preparation fee for the current year, all to the satisfaction of the City's Manager of Development Engineering.
7. The owner shall comply with Ontario Building Code requirements regarding spatial separation distances of any structures. Compliance to be confirmed by the Planning and Economic Development Department (Building Division – Plan Examinations Section).

**Proposed Notes:**

N/A



**Development Planning:**

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

	Frontage	Depth	Area
<b>Severed Lands</b>	9.14 m±	35.27 m±	322.1 m2 ±
<b>Retained Lands</b>	9.14 m±	35.27 m±	322.1 m2 ±
<b>Easement Land – 274 Ottawa Street</b>	1.00 m	16.0	16.0 m2
<b>Easement Land – 270 Ottawa Street</b>	2.00 m	16.0	32.0 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. Staff note that the proposal is to re-establish two parcels that inadvertently merged. No constructions or demolition is proposed.

**Archaeology**

No comment.

**Cultural Heritage**

No comment.



**Zoning By-law City of Hamilton 05- 200**

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

**Variances 1-5**

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

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

**Zoning:**

Recommendation:	Comments and Conditions / Notes
Proposed Conditions:	<ol style="list-style-type: none"> <li>1. The owner/applicant shall receive final and binding approval of minor variance application HM/A-23:341 (Planning Division – Zoning Review Section).</li> <li>2. The owner/applicant shall submit survey evidence that the lands to be severed and the lands to be retained, including the location of any existing structure(s), parking and landscaping conform to the requirements of the Zoning By-Law or alternatively apply for and receive final approval of the appropriate Planning Act application in order to seek relief from the requirements of the Zoning By-law (Planning Division – Zoning Review Section).</li> </ol>



Hamilton

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

**Development Engineering:**

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

**Transportation Planning:**

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

**Building Engineering:**

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



Hamilton

**STAFF COMMENTS**

**HEARING DATE: February 13, 2024**

**Forestry and Horticulture:**

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

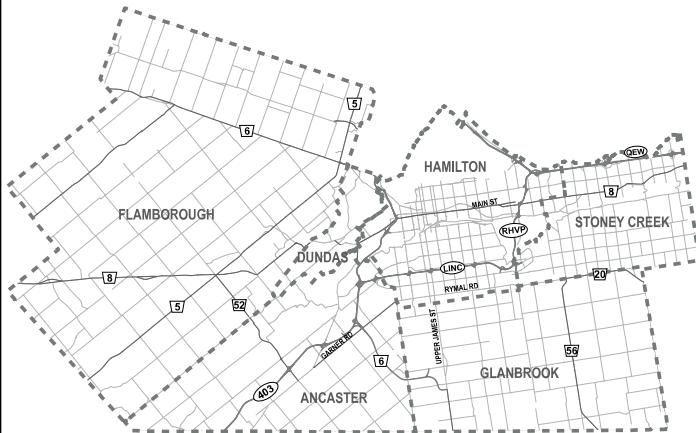
**Legislative Approvals:**

Recommendation:	No Comments.
-----------------	--------------

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



● Site Location





**City of Hamilton**

# Committee of Adjustment

**Subject Property**

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

 Lands to be Retained

 Lands to be Severed

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

**Date:**  
February 1, 2024

**Technician:**  
AL

Map Not To Scale

**Appendix "A"**



Hamilton