



Hamilton

STAFF COMMENTS

HEARING DATE: February 13, 2024

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

Recommendation:

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

Proposed Conditions:

1. The owner shall submit a deposited Ontario Land Surveyor's Reference Plan to the Committee of Adjustment Office, unless exempted by the Land Registrar. The reference plan must be submitted in pdf and also submitted in CAD format, drawn at true scale and location and tied to the City corporate coordinate system. (Committee of Adjustment Section)
2. The owner shall pay any outstanding realty taxes and/or all other charges owing to the City Treasurer. (Committee of Adjustment Section)
3. The owner submits to the Committee of Adjustment office an administration fee, payable to the City of Hamilton, to cover the costs of setting up a new tax account for each newly created lot. (Committee of Adjustment Section)
4. The owner shall receive final and binding approval of Minor Variance application HM/A-23:347, to the satisfaction of the Director of Development Planning.
5. That the owner shall investigate the noise levels on the severed lands to determine and implement the noise control measures that are satisfactory to the City of Hamilton in meeting the Ministry of Environment, Conservation and Parks (MECP) recommended sound level limits. An acoustical report prepared by a qualified Professional Engineer containing the recommended noise control measures shall be submitted to the satisfaction of the City of Hamilton, Director of Planning and Chief Planner. Should a peer review of the acoustical report be warranted, all associated costs shall be borne by the owner and shall be submitted to the satisfaction of the City of Hamilton, Director of Development Planning
6. The owner shall register on title an access easement, for purposes of vehicular access, on the lands to be severed in favour of the lands to be retained, to the satisfaction of the Director of Development Planning.
7. The owner shall receive final approval of any necessary variances from the requirements of the Zoning By-law as determined necessary by the Planning and Economic Development Department (Planning Division – Zoning Examination Section).



Hamilton

STAFF COMMENTS

HEARING DATE: February 13, 2024

8. The owner shall submit survey evidence that the lands to be severed and the lands to be retained, including the location of any existing structure(s), parking and landscaping conform to the requirements of the Zoning By-Law or alternatively apply for and receive final approval of any variances from the requirements of the Zoning By-Law as determined necessary by the Planning and Economic Development Department (Planning Division – Zoning Examination Section).
9. In order to clear conditions, the applicant will be required to make application for a Zoning Compliance Review and pay the relevant fees.
10. That the Owner must provide separate independent sewer and water services to the severed and retained parcel to the satisfaction of the City's Director of Development Engineering.
11. The existing right-of-way at the subject property is approximately 29.0 metres.

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

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

Proposed Notes:

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

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

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

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



Hamilton

Development Planning:

Background

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

Analysis

Urban Hamilton Official Plan

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

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

Natural Heritage

No comments.

Archeology

No comments.

Cultural Heritage



Hamilton

No comments.

Gilbert Neighbourhood Plan

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

Former City of Hamilton Zoning By-law No. 6593

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

Zoning:

Recommendation:	Comments and Conditions / Notes
Proposed Conditions:	<ol style="list-style-type: none"> <li data-bbox="443 1062 1515 1203">1. The owner shall receive final approval of any necessary variances from the requirements of the Zoning By-law as determined necessary by the Planning and Economic Development Department (Planning Division – Zoning Examination Section). <li data-bbox="443 1245 1515 1497">2. The owner shall submit survey evidence that the lands to be severed and the lands to be retained, including the location of any existing structure(s), parking and landscaping conform to the requirements of the Zoning By-Law or alternatively apply for and receive final approval of any variances from the requirements of the Zoning By-Law as determined necessary by the Planning and Economic Development Department (Planning Division – Zoning Examination Section). <li data-bbox="443 1570 1515 1638">3. In order to clear conditions, the applicant will be required to make application for a Zoning Compliance Review and pay the relevant fees.
Comments:	<ol style="list-style-type: none"> <li data-bbox="443 1650 1515 1717">i. The variances requested of application HM/A-23:347 is necessary to facilitate lands severance of this application HM/B-24:02. <li data-bbox="443 1759 1515 1827">ii. Variances for minimum lot width and minimum lot area is required for zoning compliance of the lands to be conveyed and retained.



Hamilton

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

Development Engineering:

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

Transportation Planning:

Recommendation:	Approve with Conditions
Proposed Conditions:	<p>The existing right-of-way at the subject property is approximately 29.0 metres.</p> <p>Approximately, 3.0 metres are to be dedicated to the right-of-way on Garth Street, as per the Council Approved Urban Official Plan: Schedule C-2 - Future Right-of-Way Dedications. Garth Street is to be 31.394 metres.</p> <p>A survey conducted by an Ontario Land Surveyor and at the Applicant's expense will determine the ultimate dimensions for the right-of-way widening(s) (To the satisfaction of the Manager of Transportation Planning).</p>

Building Engineering:

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

Forestry and Horticulture:

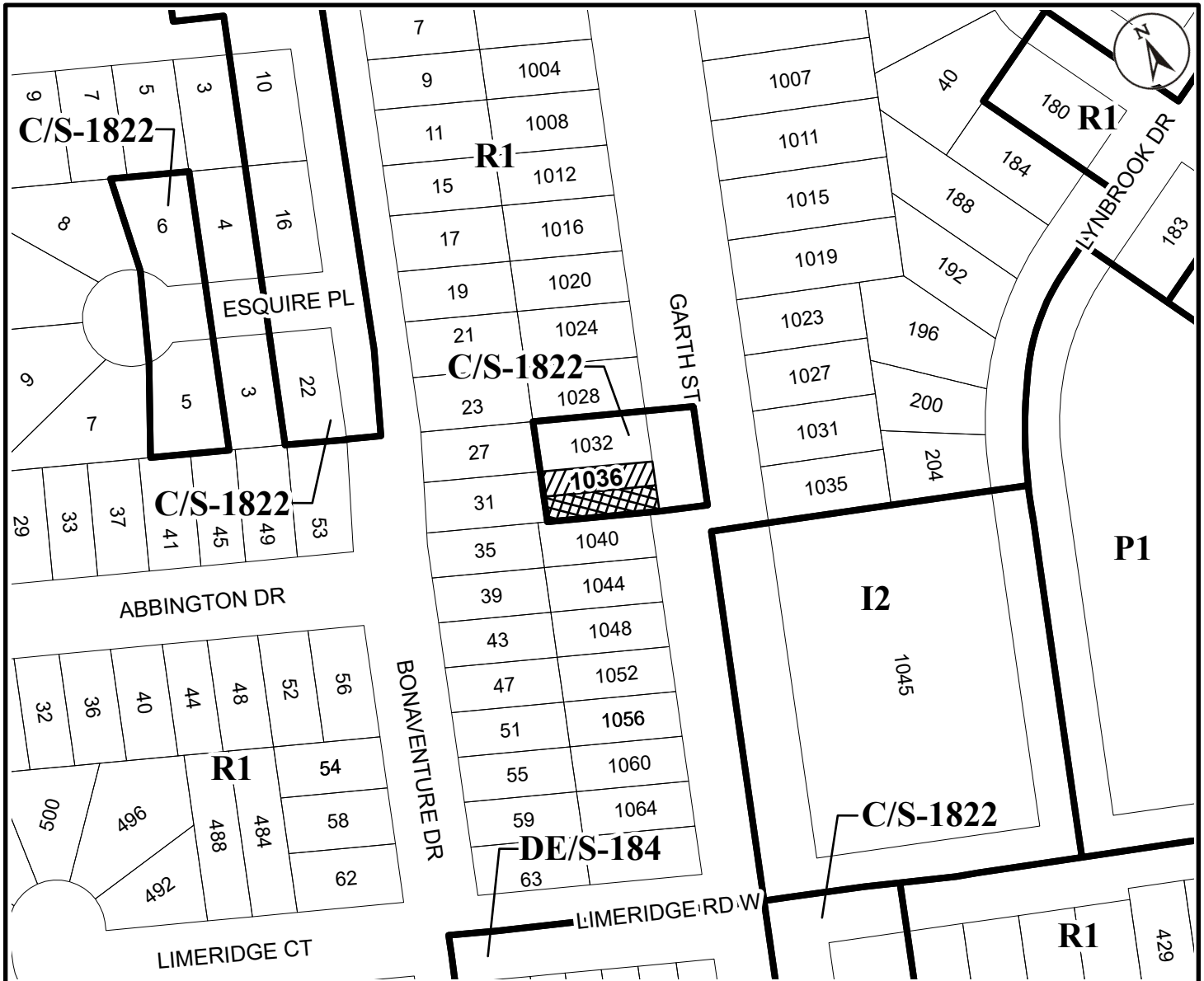


Recommendation:	Approve
Comments:	<p>There are no Municipal Tree Assets on site. No public tree permit is required.</p> <p>No Landscape plan required.</p> <p>Forestry has no concerns or conditions regarding this application.</p> <p>For questions please contact: urbanforest@hamilton.ca</p>

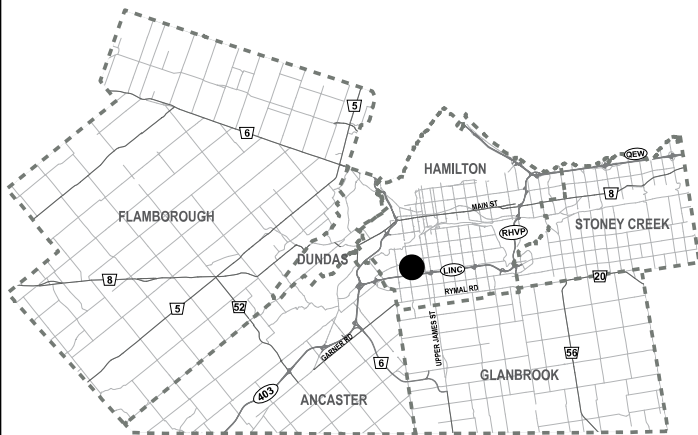
Legislative Approvals:

Recommendation	Comments Only
Comments:	<p>The lands to be retained (Lot 2) will remain as 1036 Garth Street (Hamilton). The lands to be severed (Lot 1) will be assigned the address of 1038 Garth Street (Hamilton).</p>
Notes:	<p>We ask that the Owner agrees to physically affix the municipal numbers or full addresses to either the buildings or on signs in accordance with the City's Sign By-law, in a manner that is clearly visible from the road.</p>

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



● Site Location





City of Hamilton

Committee of Adjustment

Subject Property

1036 Garth Street, Hamilton (Ward 14)

-  Lands to be Retained
-  Lands to be Severed

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

Date:
February 1, 2024

Technician:
AL

Map Not To Scale

Appendix "A"



Hamilton