



Hamilton

STAFF COMMENTS

HEARING DATE: February 13, 2024

SC/B-23:97 – 8 Shoreview Place, Stoney Creek

Recommendation:

Development Planning - Having regard for the matters under subsection 45(1) of the *Planning Act*, staff are not satisfied that the **requested Variance 4** maintains the purpose and intent of the Zoning By-law, nor considered minor in nature. Staff recommends that the **requested Variance 4**, as outlined in the Notice of Hearing, be **denied**.

Having regard for the matters under subsection 45(1) of the *Planning Act*, staff recommend that the other requested variances be **approved**, as they maintain the general intent and purpose of the Urban Hamilton Official Plan and the Zoning By-law, are minor in nature and desirable for the appropriate development of the subject lands.

The requested consent application, subject to the recommended conditions, conforms to the policies of the Urban Hamilton Official Plan, in particular the lot creation policies of Section F.1.14.3.1, and has sufficient regard for matters under subsection 51 (24) of the *Planning Act*. In conclusion, Staff recommends that the application be **approved**.

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. That the Owner / Applicant shall enter into and register on title a joint access agreement for the severed and retained lands, to the satisfaction of the Director of Development Planning.
5. That final and binding approval of Minor Variance application SC/A-23:349 be received, to the satisfaction of the Director of Development Planning.
6. The owner/applicant shall receive final and binding approval of minor variance application SC/A-23:349 (Planning Division – Zoning Review Section).



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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 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 Manager of Development Approvals. Note that cash payments mentioned above are subject to change.
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 – Building Engineering Section).

Proposed Notes:

The lands to be retained (Part 1) will remain as 8 Shoreview Place (Stoney Creek).

The lands to be severed (Part 2) will be assigned the address of 32 Shoreview Place (Stoney Creek).

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

The purpose of the consent application is to permit the conveyance of a parcel of land for a mixed-use building and to retain a parcel of land containing the existing retirement residence (to remain).

	Frontage	Depth	Area
SEVERED LANDS (Part 2):	65.4 m [±]	varies	11,711 m ² [±]
RETAINED LANDS (Part 1):	56.5 m [±]	varies	8,668 m ² [±]

In order to facilitate the severance and Site Plan application DA-23-012, the following variances are requested:

Lands to be retained:

1. A minimum lot area of 8,600 square metres shall be permitted instead of the minimum 20,400 square metre lot area required.

Lands to be severed:

2. A minimum lot area of 11,600 square metres shall be permitted instead of the minimum 20,400 square metre lot area required.
3. A minimum gross leasable commercial floor area of 470.0 square metres shall be permitted instead of the minimum 974.3 square metres of gross leasable commercial floor area required.
4. A minimum amenity area of 11 square metres per unit shall be permitted instead of the minimum required 14 square metres for bachelor units, 18 square metres for one-bedroom units, 53 square metres for two-bedroom units, 88 square metres for three bedroom units, and 125 square metres for four bedroom units required.
5. 1.25 parking spaces per dwelling unit shall be permitted instead of the minimum required 1.5 parking spaces per dwelling unit.
6. 1 parking space per 96 square metres of commercial gross floor area shall be permitted instead of the minimum 1 space per 28 square metres of commercial gross floor area required.



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7. A 3.0 metre landscape strip shall be provided along the street line abutting Shoreview Place instead of the minimum 3.9 metre landscape strip required along the lot line abutting Shoreview Place.

Background:

The applicant received conditional approval for Site Plan Control application DA-23-012 on November 23, 2023, to construct a multiple dwelling consisting of 37 and 25 storey towers above a five storey podium, containing a total of 730 dwelling units, 480 square metres of commercial space and 968 parking spaces.

Currently, there is a nine storey retirement and long term care facility on the subject lands. The use of a retirement home was granted by the Committee of Adjustment through a Minor Variance application SC/A-14:98 on May 15, 2014.

Urban Hamilton Official Plan:

The subject lands are identified as “Neighbourhoods” on Schedule E – Urban Structure and designated “Neighbourhoods” on Schedule E-1 – Urban Land Use Designations in the Urban Hamilton Official Plan (UHOP). Multiple dwellings and long term care facilities within this designation are permitted (Volume 1 – E.3.2.6, E.3.6.2 and E.3.10.1).

The following policies, amongst others, are applicable:

- “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



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- 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 City of Stoney Zoning By-law No. 3692-92:

The subject lands are zoned as Mixed Use Commercial “MUC-5” Zone, Modified, within the Stoney Creek Zoning By-law No. 3692-92, which permits the use of Apartment Dwelling Units above commercial uses and accessory structures thereto, subject to applicable provisions.

Minor Variance application SC/A-14:98 was approved on May 15, 2014, to facilitate development of a retirement home.

Analysis

	Requested Variance:	Staff Comments:
1.	A minimum lot area of 8,600 square metres shall be permitted instead of the minimum 20,400 square metre lot area required.	Staff support the minimum lot area of 8,600 square metres for the retained lands and the minimum lot area of 11,600 square metres for the severed lands. The proposed lots reflect the general scale and character of the established development pattern in the surrounding area by taking into consideration lot area. Staff support Variance 1 and 2.
2.	A minimum lot area of 11,600 square metres shall be permitted instead of the minimum 20,400 square metre lot area required.	
3.	A minimum gross leasable commercial floor area of 470.0	The applicant is proposing six ground floor commercial units, which will provide small



	square metres shall be permitted instead of the minimum 974.3 square metres of gross leasable commercial floor area required.	scale retail uses. Staff are of the opinion that the proposed minimum gross leasable commercial floor area of 470 square metres is appropriate for this scale of development and reflective of its surrounding area and the needs for future residents. Staff are in support of this variance.
4.	A minimum amenity area of 11 square metres per unit shall be permitted instead of the minimum required 14 square metres for bachelor units, 18 square metres for one-bedroom units, 53 square metres for two-bedroom units, 88 square metres for three bedroom units, and 125 square metres for four bedroom units required.	For similar developments within the area such as 310 Frances Avenue, staff have supported the minimum amenity area of 17 square metres per unit be permitted for the smallest residential unit. To ensure sufficient amenity space is granted for each unit type, staff recommend that the required minimum amenity area of 14 square metres per unit be maintained for bachelor units. Staff do not support this variance as it does not maintain the intent of the Zoning By-law.
5.	1.25 parking spaces per dwelling unit shall be permitted instead of the minimum required 1.5 parking spaces per dwelling unit.	Planning staff defer to Transportation Planning for comments on the proposed residential parking rate of 1.25 parking spaces per residential dwelling unit.
6.	1 parking space per 96 square metres of commercial gross floor area shall be permitted instead of the minimum 1 space per 28 square metres of commercial gross floor area required.	Planning staff defer to Transportation Planning for comments on the proposed commercial parking rate of 1 parking space per 96 square metres of commercial gross floor area.
7.	A 3.0 metre landscape strip shall be provided along the street line abutting Shoreview Place instead of the minimum 3.9 metre landscape strip required along the lot line abutting Shoreview Place.	As a condition of Site Plan approval, the applicant must prepare a landscape plan to ensure there is sufficient landscaped area throughout the site appropriate for the proposed development. There is significant landscaped area proposed on-site to ensure there are no adverse impacts. Staff support this variance.

Planning staff are satisfied that the proposed severance conforms to the lot creation policies of the Urban Hamilton Official Plan, subject to approval of the variance to the minimum lot areas.



Zoning:

Recommendation:	Comments and Conditions / Notes
Proposed Conditions:	1. The owner/applicant shall receive final and binding approval of minor variance application SC/A-23:349 (Planning Division – Zoning Review Section).
Notes:	<p>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</p> <p>2. It is noted that this application will be heard in conjunction with minor variance application SC/A-23:349. Variances for lot area, leasable commercial floor area, minimum amenity area, minimum parking requirements, and landscaping have been applied for</p> <p>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.</p>

Development Engineering:

Recommendation:	Approve with Conditions
Proposed Conditions:	1. 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 Manager of Development Approvals. Note that cash payments mentioned above are subject to change.
Comments:	1. Consent Agreement



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Notes:	Engineering concerns to be addressed through the site plan application.
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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 – Building Engineering 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 municipal tree assets on site. Forestry will have conditions deferred to site plan application DA-23-012 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 retained (Part 1) will remain as 8 Shoreview Place (Stoney Creek) . The lands to be severed (Part 2) will be assigned the address of 32 Shoreview Place (Stoney Creek) .
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.



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STAFF COMMENTS

HEARING DATE: February 13, 2024

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

From: [Boucetta, Alexandra \(MTO\)](#)
To: [Committee of adjustment](#)
Cc: [Boc, Cameron](#); [Deluca, Peter \(MTO\)](#)
Subject: RE: COA Agenda Available - February 13th, 2024 (8 Shoreview Place, Stoney Creek)
Date: Friday, February 2, 2024 3:57:00 PM
Attachments: [image001.png](#)

8 Shoreview Place, Stoney Creek

City Application No: [C/B-23:97](#)

City Application No: [C/A-23:349](#)

Good afternoon,

Further to the circulation regarding the above applications, please note that the ministry has reviewed the provided correspondence in accordance with the requirements under the Public Transportation and Highway Improvement Act and the following are our comments:

- In general, ministry has no objection to the proposed Severance and Minor Variance Applications.
- The land to be severed is located within the ministry permit control area; therefore, any changes to the land (rezoning, development proposal) will require ministry review and approval.
- All grading of any kind in relation to the development proposal for Part 2 will not be permitted on the land without the ministry's approval and permit.
- Several freestanding advertising signs were noticed while reviewing the site through Google Maps. According to Ministry's records. There are no permits issued for any of the signs. They must be removed as a condition of the approval of these applications, or applicable ministry's permits must be obtained through the link below. Third party advertisings are not allowed in this location.
[HCMS - Apply for a permit - Application for Sign permit \(gov.on.ca\)](#)

Please note that all comments above at the present time are only in relation to the proposed severance and variances. Ministry has previously provided comments to the City of Hamilton in relation to above project under City File **DA-23-012** (Site Plan Control Application). More detailed comments will be provided when the next submission is made and arrived for ministry's review.

I trust that the above is clear. Please note that all submissions should be circulated through the municipality, this is to ensure all stakeholder comments are reviewed and received.

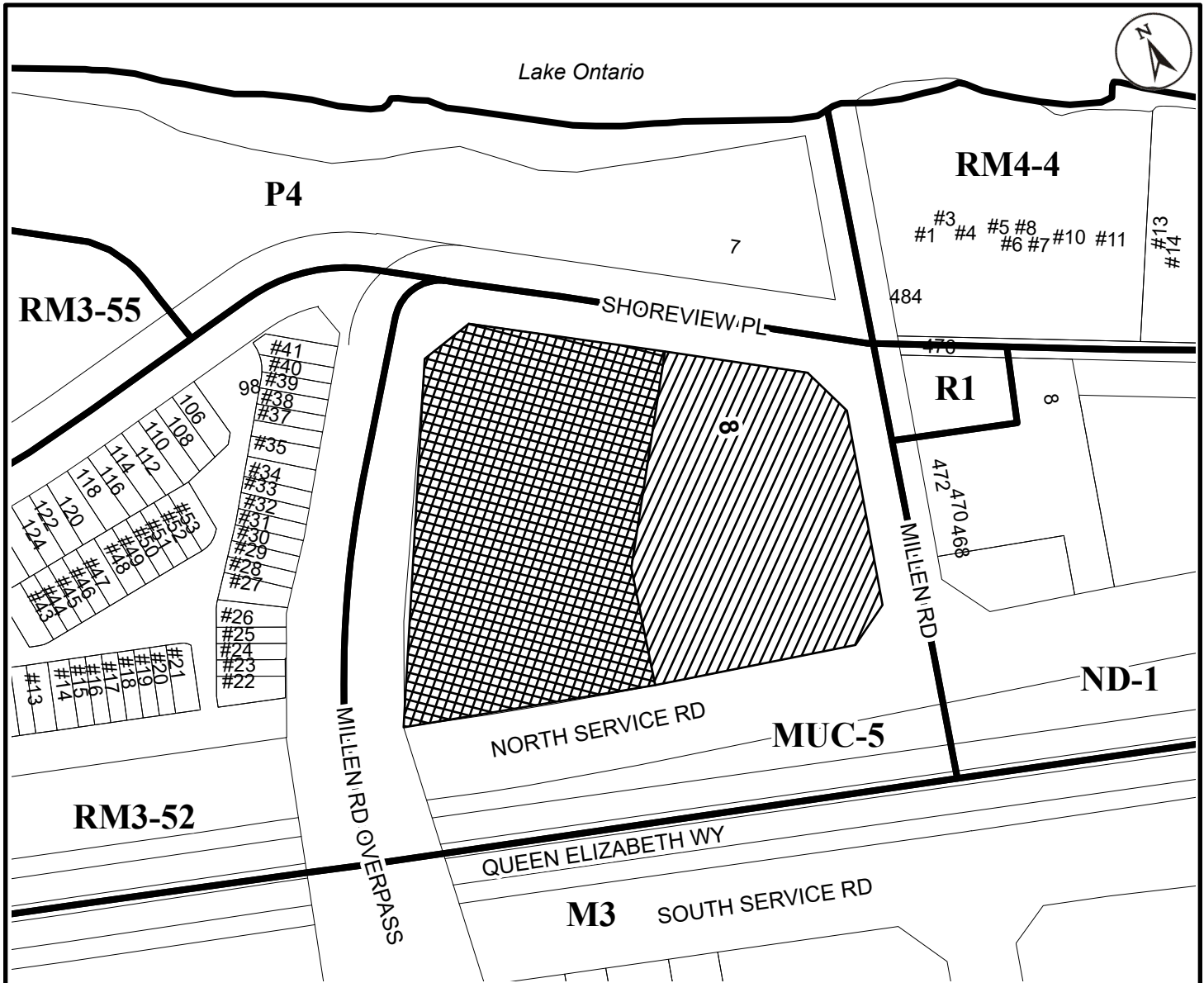
Thank you,

Alexandra Boucetta | Corridor Management Officer (West)

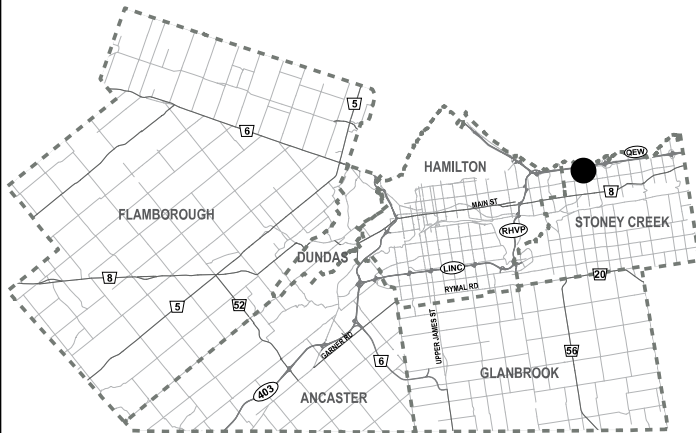
Highway Corridor Management Section | Central Operations | Ministry of Transportation

159 Sir William Hearst Avenue, 7th Floor, Toronto, ON. M3M 0B7

Telephone: 416-816-4719 | Email: alexandra.boucetta@ontario.ca



● Site Location





City of Hamilton

Committee of Adjustment

Subject Property

8 Shoreview Place, Stoney Creek (Ward 10)

 Lands to be Retained

 Lands to be Severed

File Name/Number:
SC/B-23/97

Date:
February 1, 2024

Technician:
AL

Map Not To Scale

Appendix "A"



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