



Hamilton

**STAFF COMMENTS**

**HEARING DATE: February 27, 2024**

SC/A-24:08 – 1091 Highway Number 8, Stoney Creek

**Recommendation:**

Development Planning: Approve

Development Engineering: Deny

**Proposed Conditions:**

1. Highway 8 is to be 36.576 metres from Donn Avenue to East City Limits. The existing right-of-way at the subject property is approximately 29 metres. Approximately  $\pm 5$  metres are to be dedicated to the right-of-way on Highway 8, as per the Council Approved Urban Official Plan Schedule C-2 Right-of-Way Dedications.  
The Applicant's surveyor is to contact Geomatics and Corridor Management to confirm the right-of-way dedication requirements.

**Proposed Notes:**



**Development Planning:**

**Recommendation**

- Approve

**Proposed Conditions**

SC/B-24:05

1. That the owner/applicant provide proof that the severed lands have been added to the property to the east known municipally as 1121 Highway 8, Stoney Creek, to the satisfaction of the Director of Development Planning.
2. That the proponent shall carry out an archaeological assessment of the entire property and mitigate, through preservation or resource removal and documentation, adverse impacts to any significant archaeological resources found. No demolition, grading, construction activities, landscaping, staging, stockpiling or other soil disturbances shall take place on the subject property prior to the approval of the Director of Planning confirming that all archaeological resource concerns have met conservation requirements. All archaeological reports shall be submitted to the City of Hamilton concurrent with their submission to the Ontario Ministry of Citizenship and Multiculturalism (MCM).

**Proposed Notes**

N/A

**Background**

To permit the conveyance of a parcel of land to be added to property known municipally as 1121 Highway 8, Stoney Creek for future development. Existing structures to remain on retained lands.

	Frontage	Depth	Area
<b>Severed Lands</b>	N/A	269.8 m	1.14 ha ±
<b>Retained Lands</b>	45.72 m±	109.7 m±	0.41 m2 ±

**Analysis**

**Urban Hamilton Official Plan**



The subject lands are 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 F.1.14.3.2 are applicable for the purposes of land assembly.

### **Fruitland Winona Secondary Plan**

The subject lands are further designated “Low Density Residential 2”, “Low Density Residential 3”, and “Local Commercial”. Policies B.7.4.4.4, E.7.4.4.5, and B.7.4.5.3, amongst others, are applicable.

Staff recommend that if the Consent application is approved, a condition be placed on the approval that the severed portion of lands merge on title to the lands to the east known as 1121 Hwy 8 to obtain frontage onto a public road. Staff note that the proposal is to facilitate future development. Staff note that the retained lands maintain the general character of the neighbourhood, have frontage onto a public road and are fully serviced. Staff are of the opinion that the application maintains the policies of the Official Plan. As such, staff recommend that the application be **approved** with conditions.

### **Archaeology**

The subject property meets three (3) of the ten criteria used by the City of Hamilton and Ministry of Citizenship and Multiculturalism for determining archaeological potential:

- 1) Within 300 metres of a primary watercourse or permanent waterbody, 200 metres of a secondary watercourse or seasonal waterbody, or 300 metres of a prehistoric watercourse or permanent waterbody;
- 2) In an area of sandy soil in areas of clay or stone; and
- 3) Along historic transportation routes.

These criteria define the property as having archaeological potential. Accordingly, Section 2 (d) of the Planning Act and Section 2.6.2 of the Provincial Policy Statement apply to the subject application. If this variance is granted, Staff require that the Committee of Adjustment attach the following condition to the application:

“Condition: That the proponent shall carry out an archaeological assessment of the entire property and mitigate, through preservation or resource removal and documentation, adverse impacts to any significant archaeological resources found. No demolition, grading, construction activities, landscaping, staging, stockpiling or other soil disturbances shall take place on the subject property prior to the approval of the Director of Planning confirming that all archaeological resource concerns have met conservation requirements. All archaeological reports shall be submitted to the City of Hamilton concurrent with their submission to the Ontario Ministry of Citizenship and Multiculturalism (MCM).

Should deeply buried archaeological materials be found on the property during any of the above development activities the MCM should be notified immediately (416-212-8886). In the event that human remains are encountered during construction, the proponent should immediately contact both



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MCM and the Registrar or Deputy Registrar of the Cemeteries Regulation Unit of the Ministry of Government and Consumer Services (416-212-7499).”

### **Cultural Heritage**

The subject property is adjacent to 1099, 1080 and 1123 Highway 8, properties included in the City’s Inventory of Heritage Buildings.

The City recognizes there may be cultural heritage properties that are not yet identified or included in the Register of Property of Cultural Heritage Value or Interest nor designated under the Ontario Heritage Act, but still may be of cultural heritage interest. These may be properties that have yet to be surveyed, or otherwise identified, or their significance and cultural heritage value has not been comprehensively evaluated but are still worthy of conservation.

Accordingly, the following section of the Urban Hamilton Official Plan, Volume 1, apply:

B.3.4.1.4 “Ensure that all new development, site alterations, building alterations, and additions are contextually appropriate and maintain the integrity of all on-site or adjacent cultural heritage resources.”

Notwithstanding that the adjacent property is included in the City’s Inventory of Heritage Buildings, Staff have reviewed the application and are of the opinion that the cultural heritage value or interest of the property will be conserved. Staff have no further comments on the application as circulated.

### **Former City of Stoney Creek Zoning By-law No. 3692-92**

The lands are zoned Rural Commercial “RC-2(T)” Zone, Modified, Temporary Use and Agriculture Specialty “AS-10(T)” Zone, Modified, Temporary Use, which permit commercial uses, agricultural uses, and single dwelling units. The temporary use provisions expired on March 1, 2002 and the temporary use is no longer present.

### **Variance 1**

1. To permit a minimum lot area of 0.4 hectares, whereas 1 hectare is required.

The intent of this provision is to ensure sufficient area is provided for the uses of the land and to be adequately serviced. Staff defer any servicing concerns to Development Engineering. Staff note that no physical changes are proposed to the retained lands and that the severed lands are for future land development which will require future planning approvals. Staff are of the opinion that the variance maintains the general intent of the By-law as sufficient space will be provided for the existing use to operate. Staff are of the opinion that the variance is minor in nature and desirable for the development as no negative impacts are anticipated for the subject lands or surrounding area. Based on the foregoing, staff **support the variance**.



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**Zoning:**

Recommendation:	Comments Only
Proposed Conditions:	
Comments:	No comments
Notes:	

**Development Engineering:**

Recommendation:	Deny
Proposed Conditions:	As the Consent/Land Severance application is not feasible, Development Engineering can not support the minor variances at this time.
Comments:	
Notes:	

**Building Engineering:**

Recommendation:	No Comments
Proposed Conditions:	
Comments:	
Notes:	

**Transportation Planning:**

Recommendation:	Approve with Conditions
Proposed Conditions:	<p>Transportation Planning has no objection to the land severance application, provided the following conditions are met:</p> <p>Highway 8 is to be 36.576 metres from Donn Avenue to East City Limits. The existing right-of-way at the subject property is approximately 29 metres. Approximately ±5 metres are to be dedicated to the right-of-way on Highway 8, as per the Council Approved Urban Official Plan Schedule C-2 Right-of-Way Dedications.</p> <p>The Applicant's surveyor is to contact Geomatics and Corridor Management to confirm the right-of-way dedication requirements.</p>
Comments:	
Notes:	

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

**From:** [Cathy Plosz](#)  
**To:** [Committee of adjustment](#)  
**Cc:** [Franz Kloibhofer](#); [cgalli@rogers.com](mailto:cgalli@rogers.com)  
**Subject:** RE: February 27th, 2024 - COA Agenda - 1091 Highway 8, Hamilton (SC/A-24:08 and SC/B-24:05)  
**Date:** Friday, February 16, 2024 3:03:25 PM  
**Attachments:** [image001.png](#)

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The Hamilton Conservation Authority (HCA) has reviewed the Committee of Adjustment Agenda for February 27, 2024 in accordance with HCA's responsibilities under the *Conservation Authorities Act* relating to provincial interests for natural hazards and offer the following comments for SC/A-24:08 and SC/B-24:05 (1091 Highway 8, Stoney Creek). HCA has cc'd the owner and agent on this email for their information.

A portion of the subject property (along the northwest property line) is regulated by the HCA pursuant to *Ontario Regulation 161/06* (HCA's Regulation of Development, Interference with Wetlands and Alterations to Shorelines and Watercourses) made under the *Conservation Authorities Act* due to flooding and erosion hazards associated with Stoney Creek Watercourse 9 (WC 9). The consent application is to convey of a parcel of land (Part 1) to be added to an adjacent property at 1121 Highway 8, Stoney Creek for future development. The minor variance application is to permit a reduced lot size (0.4 ha instead of 1 ha minimum) for the retained parcel and existing structures/uses are to remain on the retained lands (Part 2).

The property is within the Fruitland-Winona Secondary Plan and Block 3 Servicing Strategy areas. Through the Block 3 Servicing Study, it was determined that the watercourse on the property would be eliminated. Based on the information provided in the applications, the retained land is outside of HCA's regulated area and flooding and erosion hazards associated with WC 9. However, part of the conveyed parcel is regulated by HCA, so written permission (HCA Permit) will be required prior to future development. HCA will review future development applications on the conveyed lands to ensure that existing drainage patterns will be maintained.

Therefore, the HCA has no objections to the requested severance or minor variance.

The HCA review fee is not required for these applications.

## **Cathy Plosz**

Senior Planner

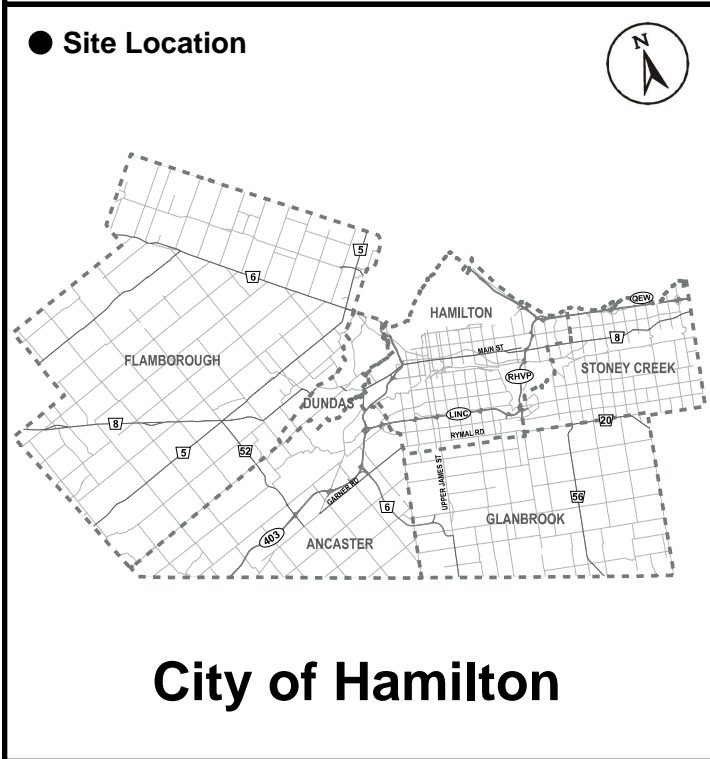
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# Committee of Adjustment

**Subject Property**

 1091 Highway No. 8, Stoney Creek (Ward 10)

PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT

<b>File Name/Number:</b> SC/A-24-08
<b>Date:</b> February 14, 2024
<b>Technician:</b> AL
Map Not To Scale
<b>Appendix "A"</b>
 <b>Hamilton</b>