

SC/A-24:04 – 294 Green Road, Stoney Creek

**Recommendation:**

- Deny

**Proposed Conditions:**

1. Green Road is to be 26.213 metres from King Street to South Service Road. The existing right-of-way at the subject property is approximately 20 metres. Approximately 3.048 metres are to be dedicated to the right-of-way on Green Road, 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**

- Deny

**Proposed Conditions**

1. 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 create a new residential building lot. The existing dwelling will be demolished to facilitate this application.

	<b>Frontage</b>	<b>Depth</b>	<b>Area</b>
<b>Severed Lands</b>	7.62 m±	45.72 m±	348.38 m2 ±
<b>Retained Lands</b>	7.62 m±	45.72 m±	348.38 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 E.3.4.3, amongst others, are applicable and permit the use.

**Western Development Area Secondary Plan**



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The subject lands are further designated “Low Density Residential 2b” on Map B.7.1-1 – Western Development Area Secondary Plan – Land Use Plan. Policies B.7.1.1.2, among others, are applicable and permit a duplex.

### **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) In an area of sandy soil in areas of clay or stone;
- 2) In areas of pioneer Euro-Canadian settlement; 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 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**

No comment.

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

The lands are zoned Single Residential “R2” Zone, which does not permit a duplex.

A duplex is defined as a building containing two dwelling units but does not include any dwelling erected as, or in the form of, a pair of semi-detached dwellings.

**Variances 1 and 2 (Lot to be Retained) and 3 and 4 (Lot to be Conveyed)**

1. A minimum lot area for a interior lot of 345 sq. m. shall be provided instead of the minimum lot area of 460 sq. m.
2. A minimum lot frontage for a interior lot of 7.6 metres shall be provided instead of the minimum lot frontage of 15 metres.
3. A minimum lot area for a interior lot of 345 sq. m. shall be provided instead of the minimum lot area of 460 sq. m.
4. A minimum lot frontage for a interior lot of 7.6 metres shall be provided instead of the minimum lot frontage of 15 metres.

While the proposed severed and retained lands will be serviced by municipal services and have frontage onto a public road, staff note that the proposed duplex is not a permitted use within the Single Residential “R2” Zone, therefore are not in conformity to the Former Stoney Creek Zoning By-law and would not be in support of a minor variance to add the use. Staff further note that the permitted density within the Low Density Residential 2b designation is 29 units per hectare. Staff note that the proposed density for the severed and retained lands is approximately 57 units per hectare (two duplex dwelling units per lot).

As such, staff are of the opinion that the proposal Consent application does not maintain the intent of the Official Plan lot creation policies as the proposal does not comply with the policies of the Official Plan. Staff are of the opinion that the proper planning approval for the proposal would be an Official Plan and Zoning By-law Amendment application to permit the density and use.

It is noted that staff are recommending in Report PED22154(a) that the subject lands be added to the Low Density Residential (R1) Zone of Hamilton Zoning By-law No. 05-200. This report is being considered at the February 23, 2024 Planning Committee meeting. The implementing by-law has not been adopted by Council at the time of writing this report.

Staff are of the opinion that the variances do not meet the general intent of the Official Plan and Zoning By-law and are neither minor in nature nor desirable for the development as the proposed variances are for a proposed use that is not permitted within the Zoning By-law and exceeds the maximum density permitted in the Secondary Plan. Staff are of the opinion that the proper planning approval would be a Zoning By-law Amendment application. Based on the foregoing, staff **do not support the variance**.



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**STAFF COMMENTS**

**HEARING DATE: February 27, 2024**

**Zoning:**

Recommendation:	Comments Only
Proposed Conditions:	N/A
Comments:	<ol style="list-style-type: none"><li>1. This application shall be heard in conjunction with Consent application SC/B-24:01</li><li>2. A Duplex is not permitted in the Single Residential – Two Zone and this property is not within Part 15 Figure 1 – Special Figure, only a Secondary Dwelling Unit and a Secondary Dwelling Unit – Detached is permitted.</li><li>3. The existing house and detached garage and any other structures on site will require a demolition permit in a normal manner with the building department.</li><li>4. Additionally variances may be required.</li></ol>
Notes:	N/A

**Development Engineering:**

Recommendation:	No Comments
Proposed Conditions:	
Comments:	
Notes:	

**Building Engineering:**

Recommendation:	Comments Only
Proposed Conditions:	
Comments:	
Notes:	<p>Be advised that Ontario Building Code regulations may require specific setback and construction types.</p> <p>A demolition permit is required for the demolition of the existing dwelling</p>

**Transportation Planning:**

Recommendation:	Comments and Conditions/Notes
Proposed Conditions:	Transportation Planning has no objection to variances 1 and 2 application, provided the following conditions are met:



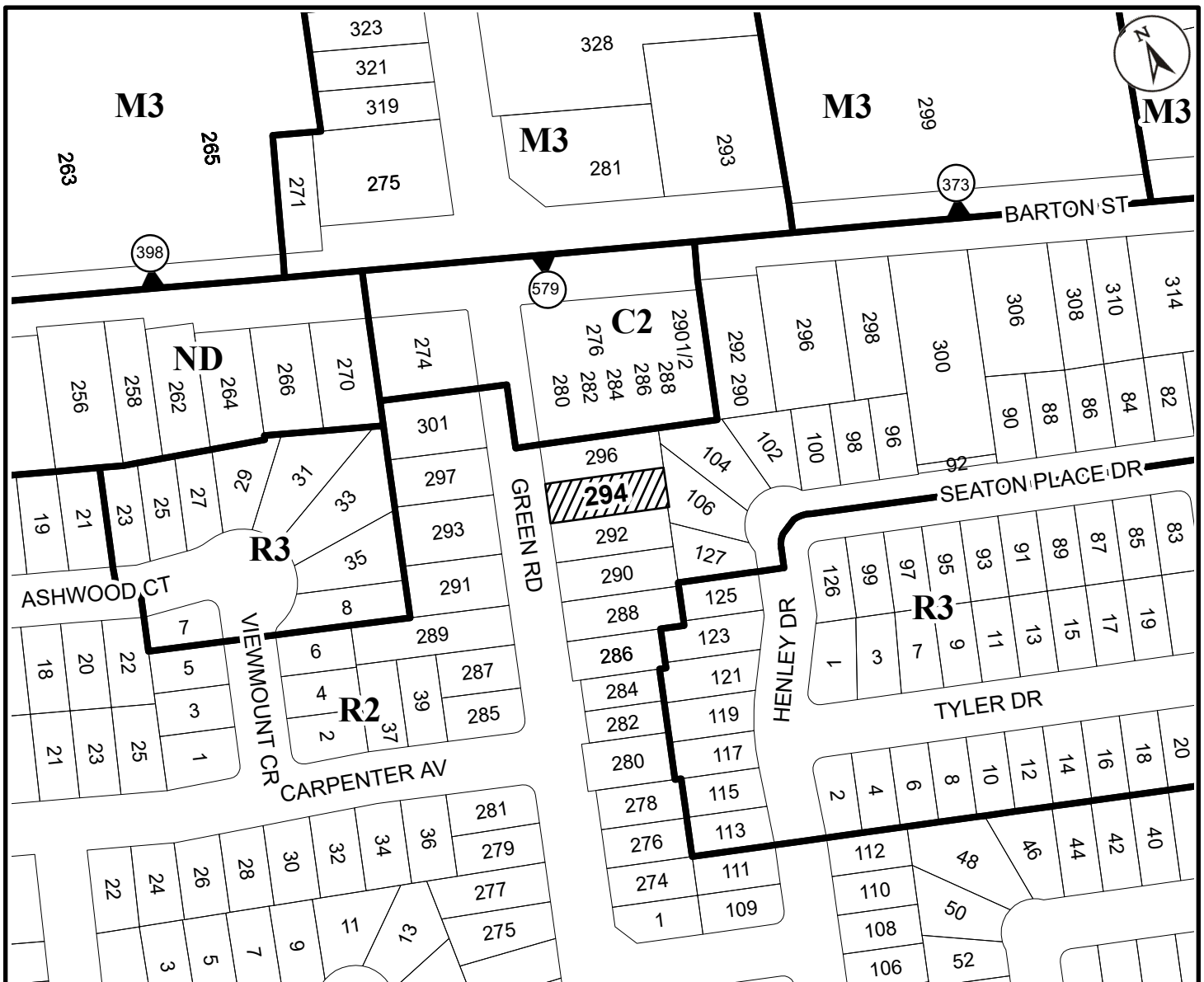
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**STAFF COMMENTS**

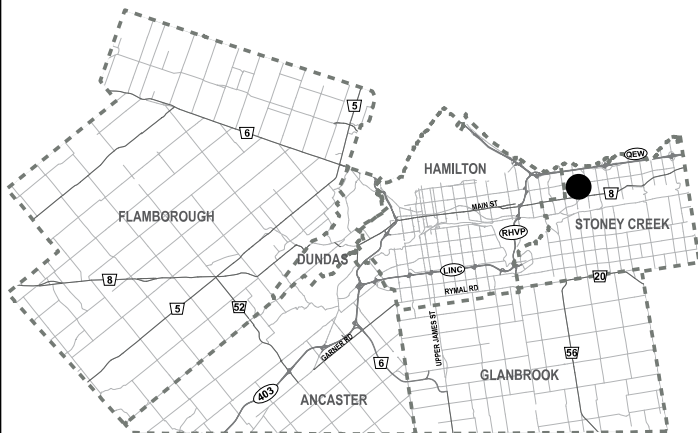
**HEARING DATE: February 27, 2024**

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Comments:	
Notes:	

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



## ● Site Location



**City of Hamilton**

## Committee of Adjustment

### Subject Property



294 Green Road, Stoney Creek  
(Ward 10)

File Name/Number:

SC/A-24:04

Date:

February 15, 2024

Technician:

AL

Map Not To Scale

Appendix "A"



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PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT