

HM/A-24:13 – 47 Alderson Drive, Hamilton

Recommendation:

Approve

Proposed Conditions:

1. That the owner submits and receives approval of a Tree Protection Plan including the review fee as per the Schedule of Rates and Fees, prepared by a qualified tree management professional (i.e., certified arborist, registered professional forester or landscape architect) to the satisfaction of the Manager of Heritage and Urban Design.
2. That the owner submits and receives approval of a Landscape Plan that shows the location of compensation trees to the satisfaction of the Manager of Heritage and Urban Design.

Proposed Notes:

Development Planning:

Recommendation

- Approve

Proposed Conditions

1. That the owner submits and receives approval of a Tree Protection Plan including the review fee as per the Schedule of Rates and Fees, prepared by a qualified tree management professional (i.e., certified arborist, registered professional forester or landscape architect) to the satisfaction of the Manager of Heritage and Urban Design.
2. That the owner submits and receives approval of a Landscape Plan that shows the location of compensation trees to the satisfaction of the Manager of Heritage and Urban Design.

Proposed Notes

N/A

Background

This Minor Variance Application is to facilitate Consent Application HM/B-21:105, which was submitted to create two separate lots for the single detached dwellings. Consent Application HM/B-21:105 was concurrently heard with Minor Variance Application HM/A-21:406 on December 9, 2021. Staff comments at the time were supportive of both applications, however both were denied by the Committee at the December 9, 2021 hearing.

These decisions were appealed by the applicant and heard by the Ontario Land Tribunal in June of 2022. The Ontario Land Tribunal approved the proposed consent and granted minor variances permitting a minimum side yard of 1.25 metres, a minimum lot width of 15.08 metres and a minimum lot area of 784 square metres.

As described in the cover letter submitted with this application, this application is intended to address an error from the original submission not being based upon a legal survey of the lands and upon a conversion from imperial to metric units, using the original hand-drawn survey from 1949 as the basis. The original calculations were calculated using a lot depth of 52 metres, while the survey completed by A.J. Clarke, dated September 11, 2023, shows the exact lot depth to be 51.82 metres, resulting in a lot area of 781.70 square metres. This calculation results in a lot area of 2.30 square metres less than the 784 square metre minimum as approved by the Ontario Land Tribunal decision.

Analysis

Urban Hamilton Official Plan

The subject lands are designated as “Neighbourhoods” in Schedule E-1 - Urban Land Use Designations under the Urban Hamilton Official Plan and are identified as “Neighbourhoods” in Schedule E – Urban Structure of the Urban Hamilton Official Plan. Policy E.3.4.3, amongst others, is applicable. The proposed residential use is permitted.

Kennedy East Neighbourhood Plan

The subject site is further identified as “Single and Double” within the Kennedy East Neighbourhood Plan. Single detached dwellings are permitted, and the proposal is facilitating the long term vision of the Kennedy East Neighbourhood Plan.

Archeology

No comment.

Cultural Heritage

No comment.

Natural Heritage

The subject property is located within the boundaries of the Urban Hamilton Official Plan. Based on Schedule B (Natural Heritage System) of the Urban Hamilton Official Plan, Core Areas (i.e., Environmentally Significant Areas, Areas of Natural and Scientific Interest, Significant Woodlands, wetlands, and watercourses) as well as Linkages (natural areas that ecologically connect Core Areas) have not been identified within or adjacent to the subject property. As a result, it is anticipated that the proposed development will not further negatively impact the feature and functions of the City’s Natural Heritage System.

Through aerial photograph interpretation, trees have been identified within the subject property. The City recognizes the importance of trees and woodlands to the health and quality of life in the community and encourages the protection and restoration of trees and forests (policy C.2.11.1).

The variances that are being requested may impact the trees on site. To ensure that trees are considered within the design of the development, it is recommended that a Tree Protection Plan (TPP) be prepared in accordance with the City’s Council adopted Tree Protection Guidelines (revised October 2010). In addition, to ensure that existing tree cover is maintained, it is recommended that a Landscape Plan (showing the required compensation) be prepared. These can be addressed through the following conditions.



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STAFF COMMENTS

HEARING DATE: March 26, 2024

- *Condition 1: That the owner submits and receives approval of a Tree Protection Plan including the review fee as per the Schedule of Rates and Fees, prepared by a qualified tree management professional (i.e., certified arborist, registered professional forester or landscape architect) to the satisfaction of the Manager of Heritage and Urban Design.*
- *Condition 2: That the owner submits and receives approval of a Landscape Plan that shows the location of compensation trees to the satisfaction of the Manager of Heritage and Urban Design.*

Former City of Hamilton Zoning By-law No. 6593

The subject lands are zoned “B” (Suburban Agriculture and Residential, Etc.) District, in Former City of Hamilton Zoning By-law No. 6593, single detached dwellings are a permitted use.

Variances

Lands to be Severed

1. A minimum lot area of 781.70 square metres shall be permitted instead of the minimum of 784 square metres required.

Lands to be Retained

1. A minimum lot area of 781.70 square metres shall be permitted instead of the minimum of 784 square metres required.

The intent of these provisions is to ensure lots are large enough to be a viable size for appropriate development, subject to other provisions of the Zoning By-law. Staff defer to Development Engineering staff regarding any drainage or grading concerns.

Staff note that the requested variances are to address a technical error resulting from converting imperial measurements to metric, using the original 1949 hand drawn survey as the basis of the calculations. Staff are of the opinion that the as the requested variances are technical in nature, they will have no negative impacts on the surrounding neighbourhood and maintain the intent of the Zoning By-law and approving decision of the Ontario Land Tribunal.

Staff are of the opinion that variances meet the four tests of a minor variance. Based on the foregoing, **staff support the variances.**

Zoning:

Recommendation:	Comments Only
Proposed Conditions:	



Hamilton

STAFF COMMENTS

HEARING DATE: March 26, 2024

Comments:	<ol style="list-style-type: none">1. This variance is necessary to facilitate consent application HM/B-21:1052. 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) outlying 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 to be heard at the Planning Committee meeting of February 23, 2024.
Notes:	

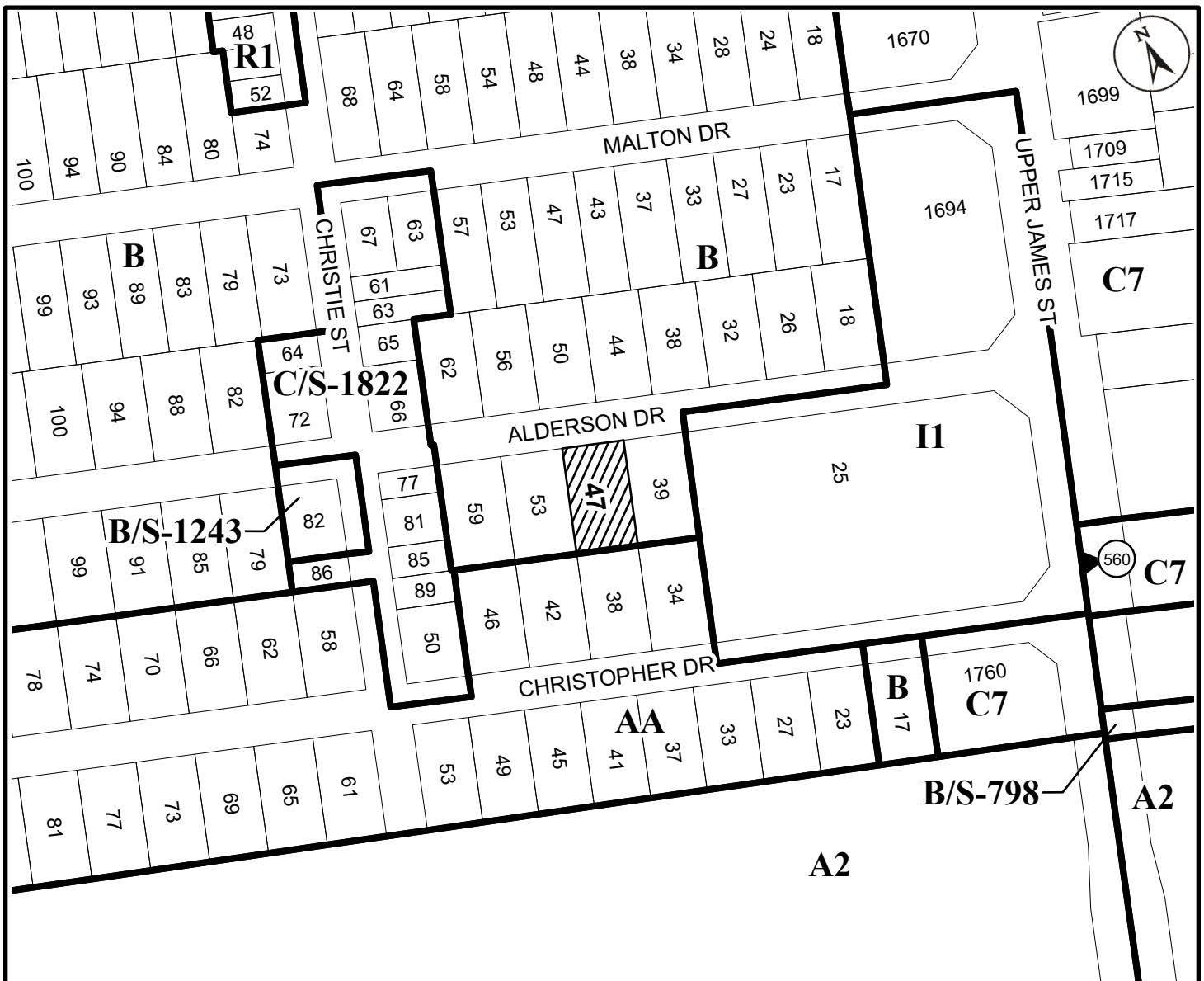
Development Engineering:

Recommendation:	Approve
Proposed Conditions:	N/A
Comments:	None
Notes:	

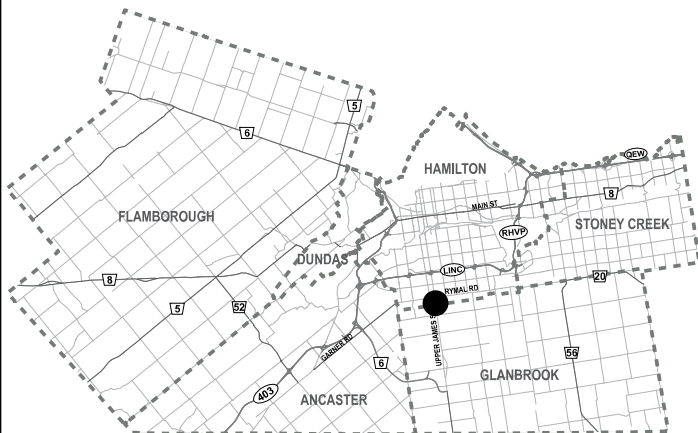
Building Engineering:

Recommendation:	Approve
Proposed Conditions:	
Comments:	
Notes:	<p>A demolition permit is required for the demolition of the existing 1 storey building.</p> <p>Be advised that Ontario Building Code regulations may require specific setback and construction types.</p>

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



● Site Location



City of Hamilton

Committee of Adjustment

Subject Property



47 Alderson Drive, Hamilton
(Ward 8)

File Name/Number:

HM/A-24:13

Date:

February 12, 2024

Technician:

AL

Map Not To Scale

Appendix "A"



Hamilton

PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT