

SC/B-24:05 – 1091 Highway No. 8, Stoney Creek

Recommendation:

Recommendation:

Development Planning: Approve

Proposed Conditions:

- 1) The owner/applicant shall receive final approval of the appropriate Planning Act application in order to seek relief from the requirements of the Zoning By-law (Planning Division – Zoning Review Section).
2. In order to clear conditions, the owner/applicant will be required to make application for a Zoning Compliance Review and pay the relevant fees.
3. 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).
4. Highway 8 is to be 36.576 metres from Donn Avenue to East City Limits, as per the Council Approved Urban Official Plan: Schedule C-2 - Future Right-of-Way Dedications.
 - a. 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.
 - b. The Applicant's surveyor is to contact Geomatics and Corridor Management to confirm the right-of-way dedication requirements.
 - c. Subject to the satisfaction and approval of the Manager, Transportation Planning.
5. 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)
6. The owner shall pay any outstanding realty taxes and/or all other charges owing to the City Treasurer. (Committee of Adjustment Section)



Hamilton

STAFF COMMENTS

HEARING DATE: April 9, 2024

7. 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)

Proposed Notes:



Hamilton

STAFF COMMENTS

HEARING DATE: April 9, 2024

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	
Severed Lands	N/A	269.8 m	1.14 ha ±	
Retained Lands	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



Hamilton

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

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.



Hamilton

STAFF COMMENTS

HEARING DATE: April 9, 2024

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.

Zoning:

Recommendation:	Comments and Conditions/Notes
Proposed Conditions:	1) The owner/applicant shall receive final approval of the appropriate Planning Act application in order to seek relief from the requirements of the Zoning By-law (Planning Division – Zoning Review Section).



Hamilton

STAFF COMMENTS

HEARING DATE: April 9, 2024

	2. In order to clear conditions, the owner/applicant will be required to make application for a Zoning Compliance Review and pay the relevant fees
Comments:	
Proposed Notes:	

Development Engineering:

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

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).
Comments:	
Proposed Notes:	In order to clear conditions, the applicant will be required to make application for Ontario Building Code compliance and pay the relevant fees.

Transportation Planning:

Recommendation:	Approve with conditions
Proposed Conditions:	<p>Transportation Planning can support the severance of the lands if the following dedication to the Municipal right-of-way are provided: Highway 8 is to be 36.576 metres from Donn Avenue to East City Limits, as per the Council Approved Urban Official Plan: Schedule C-2 - Future Right-of-Way Dedications.</p> <p>a. 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. b. The Applicant's surveyor is to contact Geomatics and Corridor Management to confirm the right-of-way dedication requirements. c. Subject to the satisfaction and approval of the Manager, Transportation Planning.</p>



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HEARING DATE: April 9, 2024

Comments:	
Proposed Notes:	

Legislative Approvals:

Recommendation:	No comments
Proposed Conditions:	
Comments:	
Proposed 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.



COMMITTEE OF ADJUSTMENT

City Hall, 5th floor, 71 Main Street West, Hamilton, ON L8P 4Y5

Telephone (905) 546-2424, ext. 4221

E-mail: cofa@hamilton.ca

To: Jamila Sheffield, Secretary-Treasurer, Committee of Adjustment

From: Stephen Clark, Urban Forest Health Tech – Forestry and Horticulture

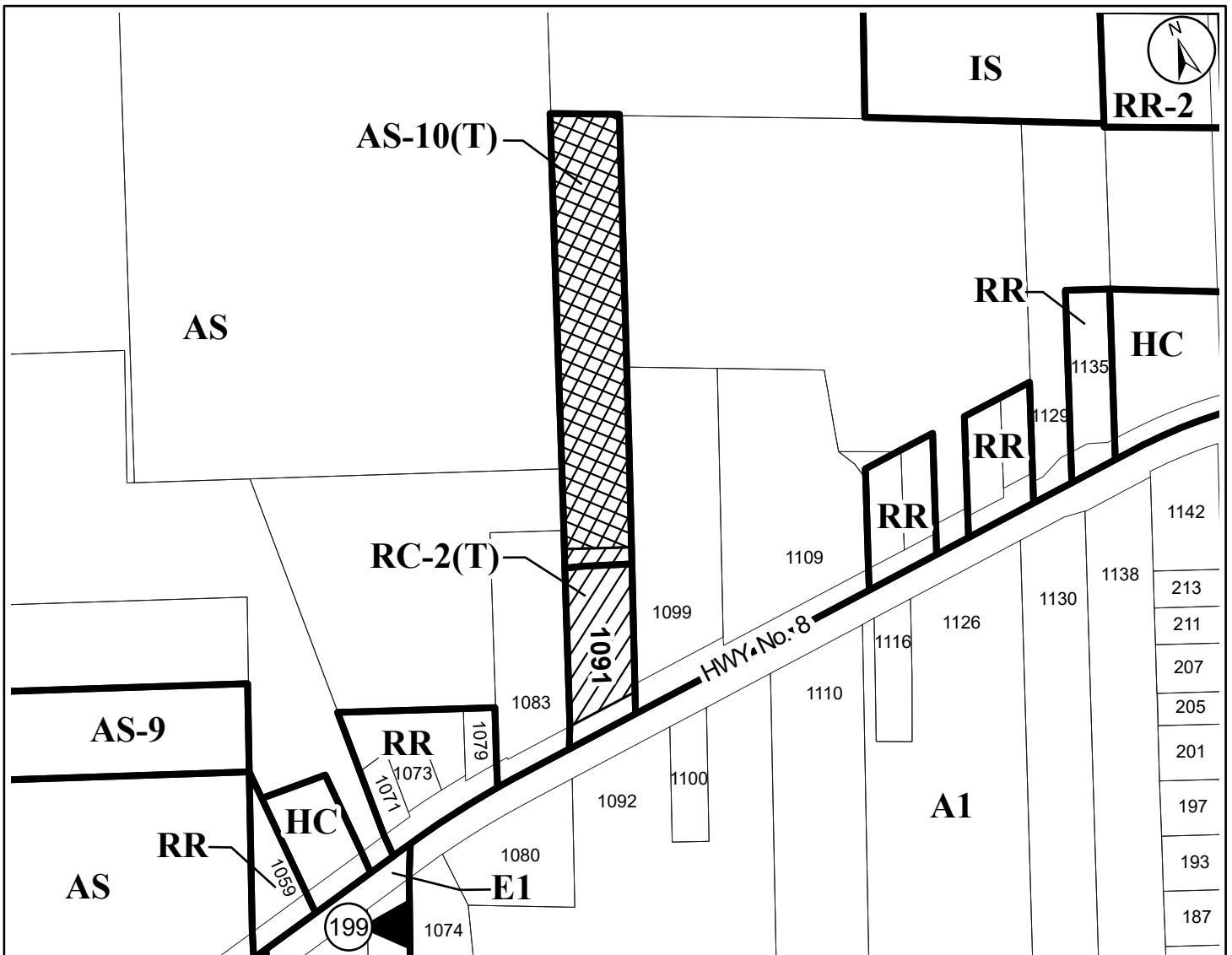
Email: Stephen.Clark@hamilton.ca

File Number: SC/B-24:05

Address: 1091 HWY No. 8, Stoney Creek

Subject: Committee of Adjustment File Comments – Tuesday, April 9th, 2024

Recommendation	Approve
Proposed Conditions:	None
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>
Notes:	



● Site Location



City of Hamilton

Committee of Adjustments

Subject Property

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



Lands to be Retained



Lands to be Retained

File Name/Number:

SC/B-24:05

Date:

March 22, 2024

Technician:

AL

Scale:

N.T.S.

Appendix "A"



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Planning and Economic Development Department