



Hamilton

B-24:13 – 50 East Street North, Dundas

Recommendation:

- Table the application until the applicant has submitted revised plans demonstrating a viable building envelope on the severed lands and until the applicant identifies the relief required to implement a building envelope on the severed lands.

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 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 Director of Development Engineering.
5. 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 –Plan Examination Section).
6. A Permit to injure or remove municipal trees is a requirement of this application. A Tree Management Plan must be submitted to the Forestry and Horticulture Section c/o the Urban Forestry Health Technician, to address potential conflicts with publicly owned trees.



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7. That the owner apply for and receive final approval of a Minor Variance Application addressing all zoning deficiencies on the severed and retained lands, to the satisfaction of the Director of Development Planning.
8. 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).”

9. The owner shall receive final approval of any necessary variances from the requirements of the Zoning By-law as determined necessary by the Planning and Economic Development Department (Planning Division – Zoning Examination Section).
10. The owner shall submit survey evidence that the lands to be severed and the lands to be retained, including the location of any existing structure(s), parking and landscaping conform to the requirements of the Zoning By-Law or alternatively apply for and receive final approval of any variances from the requirements of the Zoning By-Law as determined necessary by the Planning and Economic Development Department (Planning Division – Zoning Examination Section).
11. In order to clear conditions, the applicant will be required to make application for a Zoning Compliance Review and pay the relevant fees.

Proposed Notes:

There are large stately public tree assets on site that shall be retained. Design solutions for building footprint, driveway, utilities, etc, will be required to ensure all public tree assets are adequately protected.



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Development Planning:

Background

The application is to permit the conveyance of a parcel of land for a new residential building lot. The existing dwelling is proposed to be partially removed to facilitate the severance.

SEVERED LANDS:

Frontage: 20.35 m± **Depth:** 12.24 m± **Area:** 248 m2 ±

RETAINED LANDS :

Frontage: 20.36 m± **Depth:** 12.24 m± **Area:** 248 m2 ±

Archaeology:

The subject property meets the criteria used by the City of Hamilton and Ministry of Citizenship and Multiculturalism for determining archaeological potential. 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 severance 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).

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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). Policies F.1.14.3.1 and E.3.4.3, among



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others, are applicable and permit single detached dwellings.

Policy F.1.14.3.1 establishes the conditions that are required to be met for lot creation in the “Neighbourhoods” designation. They include:

- a) The lots comply with the policies of this Plan, including secondary plans, where one exists;
- b) The lots are in conformity with the Zoning By-law or a minor variance is approved;
- c) 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;
- d) The lots are fully serviced by municipal water and wastewater systems; and,
- e) The lots have frontage on a public road.

Accordingly, the subject severance is required to satisfy the above conditions prior to lot creation occurring.

The proposed severance is being evaluated as Residential Intensification based on the policies of Sections B.2.4.1.4 and B.2.4.2.2 (Volume 1) of the Urban Hamilton Official Plan. Lot creation for ‘Residential Intensification’ in the “Neighbourhoods” designation is permitted if the lots meet the criteria of F.1.14.3.1 (UHOP Volume 1).

The applicant has not provided sufficient information in order to demonstrate that the proposed severed and retained land will be viable building lots. Accordingly, staff are unable to determine if the proposal meets the Lot Creation Policies of Policy F.1.14.3.1 of the Urban Hamilton Official Plan.

Former Town of Dundas Zoning By-law No. 3581-86

The subject lands are zoned Single-Detached Residential “R2” Zone, which permits single detached dwellings, subject to the applicable provisions. The proposed lots do not meet the required minimum lot area of 450 square metres.

Analysis

The proposed lots are deficient in minimum lot area, the applicant is proposing 248 square metres, whereas the Zoning By-law requires 450 square metres. The proposed lots do not comply with the Zoning By-law. Staff are of the opinion that the applicant has not demonstrated that the proposed lots reflect the general scale and character of the established development pattern. Staff also are of the opinion that the applicant has not demonstrated the viability of the proposed building lots, nor sufficiently identified the future zoning relief required to develop the lands with a dwelling. Staff recommend tabling the application until such time as the applicant provides more information. Staff recommend the applicant provide a site plan showing a possible building envelope and development concept and submit a Minor Variance application addressing all zoning deficiencies.



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Zoning:

Recommendation:	Comments and Conditions/Notes
Proposed Conditions:	<p><u>If the application is approved, we request the following condition(s):</u></p> <ol style="list-style-type: none"> 1. The owner shall receive final approval of any necessary variances from the requirements of the Zoning By-law as determined necessary by the Planning and Economic Development Department (Planning Division – Zoning Examination Section). 2. The owner shall submit survey evidence that the lands to be severed and the lands to be retained, including the location of any existing structure(s), parking and landscaping conform to the requirements of the Zoning By-Law or alternatively apply for and receive final approval of any variances from the requirements of the Zoning By-Law as determined necessary by the Planning and Economic Development Department (Planning Division – Zoning Examination Section). 3. In order to clear conditions, the applicant will be required to make application for a Zoning Compliance Review and pay the relevant fees.
Comments:	<p><i>i. This property is now also subject to the R1 low density residential zone under Hamilton Zoning By-law 05-200, which is not yet final and binding. Please be advised that the application has been reviewed under Hamilton Zoning By-law 05-200 and it has been determined that variances are still required to the regulations of Hamilton Zoning By-law 05-200.</i></p>
Proposed Notes:	

Development Engineering:

Recommendation:	Approve with Conditions
Proposed Conditions:	<p>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,</p>



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	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 Director of Development Engineering.
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 – Plan Examination Section).
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:	No comments
Proposed Conditions:	
Comments:	
Proposed Notes:	

Forestry

Recommendation	Approve with Conditions
Proposed Conditions:	A Permit to injure or remove municipal trees is a requirement of this application. A Tree Management Plan must be submitted to the Forestry and Horticulture Section c/o the Urban Forestry Health Technician, to address potential conflicts with publicly owned trees.
Comments:	Conditions of the Forestry and Horticulture Section will be cleared only after receipt of all applicable fees.



	<p>An assessment of the information provided shows that there are potential conflicts with publicly owned trees or trees that may become city assets through right of way widening.</p> <p>Where existing municipal trees are impacted by development work, are within proximity of the development work or access/egress to the development work, a Public Tree Permit to injure or remove municipal trees is required.</p> <p>Where ownership of trees in proximity to the boundary between public and private land is un-certain, the subject trees must be surveyed by the applicant to confirm ownership. Ownership is as per By-law 15-125. Ownership must be clearly identified on the Tree Management Plan as either municipal or private.</p> <p>No Landscape plan required.</p> <p>TREE MANAGEMENT</p> <p>Tree Protection is a measure of efforts to preserve existing trees during the Planning of New Developments, Infrastructure Enhancements, Utility Upgrades & Residential Improvements.</p> <p>The Forestry & Horticulture Section requires that a Tree Management Plan be prepared by a MTCU Qualified Arborist, or ISA Certified Arborist, or a Registered Landscape Architect. All trees within this proposed development area must be surveyed, identified and accurately plotted on the plan to determine ownership, including intentions regarding retention or removal.</p> <p>It is compulsory that all proposed surface treatment changes within individual tree driplines as well as property lines, building footprints, driveways, utility construction corridors and temporary access roads be accurately depicted on the submission.</p> <p>The Tree Inventory Analysis Table on the Tree Management Plan shall not be considered complete without the following data and recommended action for each tree.</p> <ul style="list-style-type: none">• Species by Botanical and common name• Diameter at breast height in centimeters or millimeters• Ownership {> 50% @ ground level = ownership}• Biological health• Structural condition• Proposed grade changes within individual driplines {compulsory}
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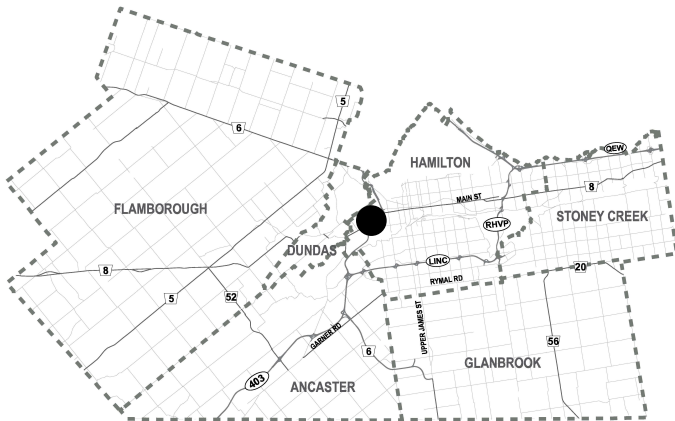


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	<ul style="list-style-type: none"> • Proposed utility construction within individual driplines {compulsory} • Proposed removals or relocations • Proposed trees to be protected. <p>If it is determined and verified that existing trees can remain, a Tree Protection Zone Detail with notes showing Tree Preservation Techniques shall be included on the submission as per the Public Tree Preservation and Sustainability Policy.</p> <p>The determination of ownership of all trees is the responsibility of the applicant and any civil issues which may exist or arise between property owners with respect to trees, must be resolved by the applicant. The ownership of each individual tree inventoried must be clearly stated as municipal or private.</p> <p>All Healthy trees on municipal property which are found to be in conflict with this proposed development and do not meet our criteria for removal are subject to a replacement fee as outlined in the Public Tree Preservation and Sustainability Policy in conjunction with By-Law 15-125.</p> <p>A permit will be issued upon approval of the Tree Management Plan and applicable fees.</p>
Notes:	<p>There are large stately public tree assets on site that shall be retained. Design solutions for building footprint, driveway, utilities, etc, will be required to ensure all public tree assets are adequately protected.</p>



● Site Location



City of Hamilton

Committee of Adjustments

Subject Property

50 East Street North, Dundas (Ward 13)



Lands to be retained



Lands to be severed

File Name/Number:

B-24:13

Date:

April 12, 2024

Technician:

AL

Scale:

N.T.S.

Appendix "A"



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Planning and Economic Development Department