



Hamilton

**B-24:14 – 3A & 3B North Park Avenue, Hamilton**

Recommendation:

Approve

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. The owner/applicant shall construct in accordance with final and binding variance application HM/A-22:403.
5. The applicant shall submit a Stormwater Brief prepared by a qualified professional to demonstrate the change in stormwater runoff due to an increased impervious area will be handled on the site for all storm events to the allowable discharge rate all to the satisfaction of the Manager of Development Engineering.
6. 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.



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**STAFF COMMENTS**

**HEARING DATE: April 23, 2024**

7. The proponent will be required to provide separate independent sewer and water services to the severed and retained parcels as specified under the new municipal sewer-use by-law 23-234.
8. 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).
9. The owner shall receive final approval for any necessary variances from the requirements of the Zoning By-law as determined necessary by the Planning and Economic Development Department to the satisfaction of the City of Hamilton, Director of Planning and Chief Planner.
10. That the owner shall investigate the noise levels on the severed lands and determine and implement the noise control measures that are satisfactory to the City of Hamilton in meeting the Ministry of Environment, Conservation and Parks (MECP) recommended sound level limits. An acoustical report/brief prepared by a qualified Professional Engineer containing the recommended noise control measures shall be submitted to the satisfaction of the City of Hamilton, Director of Planning and Chief Planner. Should a peer review of the acoustical report be warranted, all associated costs shall be borne by the owner and shall be submitted to the satisfaction of the City of Hamilton, Director of Planning and Chief Planner.
11. 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).

Proposed Notes:



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Development Planning:

**Background**

The application is to permit the conveyance of a parcel of land containing one half of a semi-detached dwelling and to retain a parcel of land containing one half of a semi-detached dwelling. The semi-detached dwelling is currently under construction. The lands were previously subject to Minor Variance Application HM/A-22:403.

**SEVERED LANDS:**

**Frontage:** 6.55 m± **Depth:** 30.73 m± **Area:** 201 m<sup>2</sup> ±

**RETAINED LANDS:**

**Frontage:** 6.55 m± **Depth:** 30.73 m± **Area:** 201 m<sup>2</sup> ±

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 others, are applicable and permit semi-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 satisfies all of the above criteria, with Zoning conformity being included as a Condition of Approval.

The subject lands are in close proximity to the QEW, which is identified as a Provincial Highway (Controlled Access) on Schedule C – Functional Road Classification in the Urban Hamilton Official Plan. As noted in Policy B.3.6.3.7, a noise feasibility study, or detailed noise study, or both, is required to be submitted for review and approval in order to establish conformity with this policy. Accordingly, the proponent is required to submit a noise study/brief and implement any recommendations thereof in order to demonstrate no adverse noise impact on the newly created lots.

Former City of Hamilton Zoning By-law No. 6593

The subject lands are zoned Urban Protected Residential, Etc. “C/S-1436b C/S-1822” District, which permits semi-detached dwellings, subject to the applicable provisions. Staff have included a Condition of Approval that requires the applicant demonstrate zoning conformity prior to lot creation.

## **Analysis**

As per the Urban Hamilton Official Plan, F.1.14.3.1.d), the proposed residential lots reflect the general scale and character of the established development pattern in the surrounding area by taking into consideration lot frontages and area. The proposed lots are a good example of infill development and residential intensification.



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The applicant has received approval for a Minor Variance application HM/A-22:403 for the reduction of the minimum lot area and minimum lot frontage. Based on the foregoing, staff support the severance and recommend approval subject to conditions.

Zoning:

Recommendation:	Comments and Conditions / Notes
Proposed Conditions:	1. The owner/applicant shall construct in accordance with final and binding variance application HM/A-22:403.
Comments:	1. The applicant should obtain an appropriate municipal address for the proposed parcel(s) from the Legislated Approvals and Staging of Development Section of the Planning and Economic Development Department prior to the issuance of a building permit.
Proposed Notes:	<p>1. Please note the maximum height for the semi-detached can not exceed 11.0 metres in height, no elevations were provided therefore can not determine zoning compliance.</p> <p>2. The parking on the property shall be in accordance with the applicable regulations in Section Eighteen A of Hamilton Zoning By-law 6593, parking size, layout and location not provided on plan therefore can not determine zoning compliance.</p>

Development Engineering:

Recommendation:	Approve with Conditions
Proposed Conditions:	<p>1. The applicant shall submit a Stormwater Brief prepared by a qualified professional to demonstrate the change in stormwater runoff due to an increased impervious area will be handled on the site for all storm events to the allowable discharge rate all to the satisfaction of the Manager of Development Engineering.</p> <p>2. 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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	<p>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.</p> <p>3. The proponent will be required to provide separate independent sewer and water services to the severed and retained parcels as specified under the new municipal sewer-use by-law 23-234.</p>
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:	

Ministry of Transportation

Recommendation	Comments Only
Proposed Conditions:	
Comments:	The site for 3A & 3B North Park Avenue is within MTO's permit control area; thus MTO needs to be circulated on the consent application its review and to provide comments prior to the COA making a decision.

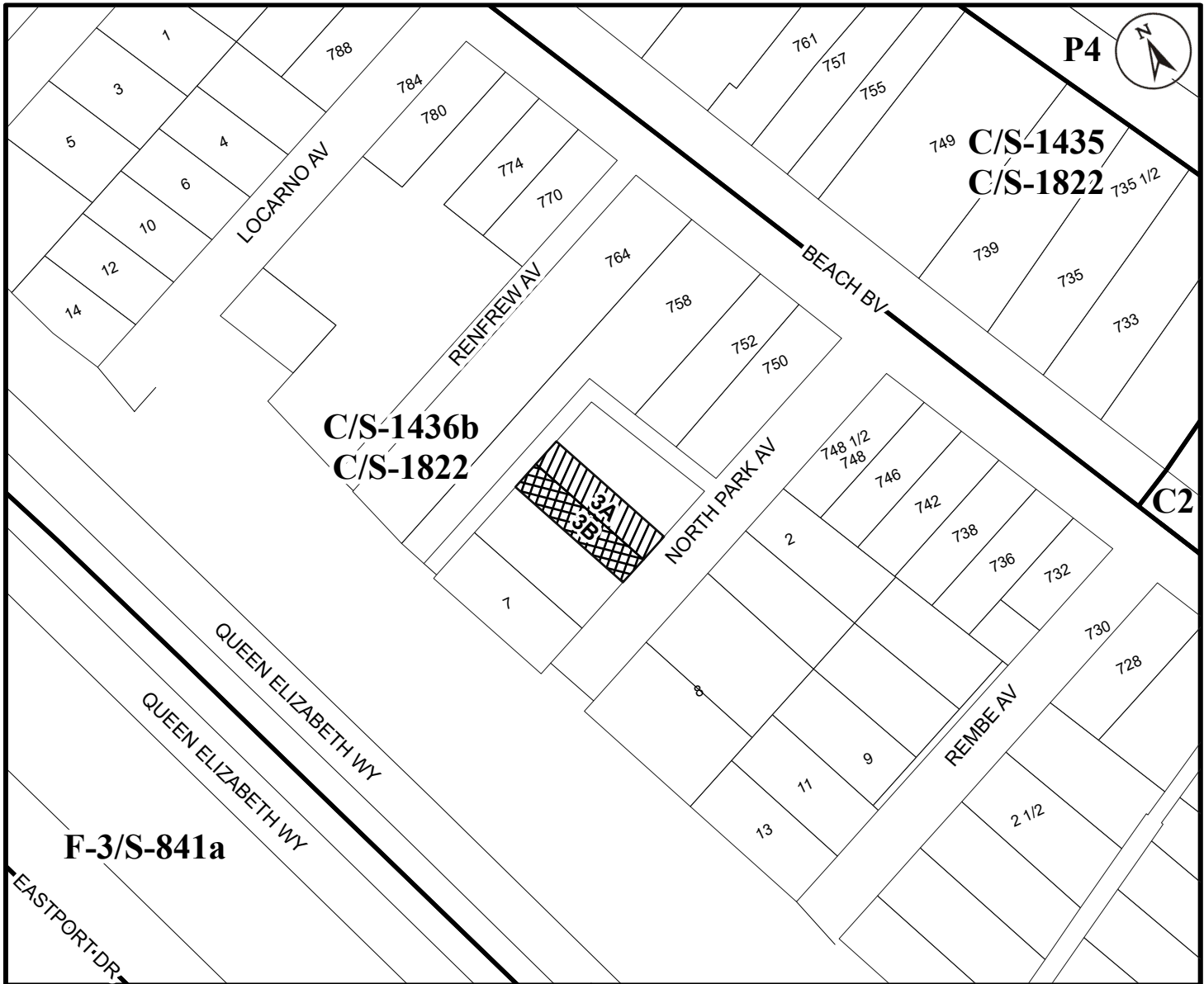


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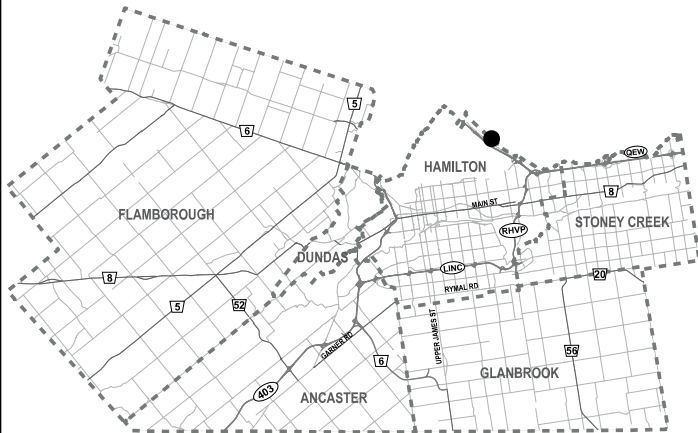
**STAFF COMMENTS**

**HEARING DATE: April 23, 2024**

Notes:	An MTO Building & Land Use permit has already been acquired for the new semi-detached dwelling by Habitat for Humanity.
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● Site Location



**City of Hamilton**

# Committee of Adjustment

**Subject Property**

3A and 3B North Park Avenue , Hamilton (Ward 5)



Lands to be Retained



Lands to be Conveyed

**File Name/Number:**

HM/B-24:14

**Date:**

April 11, 2024

**Technician:**

NB

Map Not To Scale

**Appendix "A"**



Hamilton