



Hamilton

**B-24:16 – 470 Ferguson Avenue North, 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 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).
5. The owner/applicant 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, landscaping and building setbacks conform to the requirements of the Zoning By-Law or alternatively apply for and 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).
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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7. That the Owner submits a SWM Brief prepared by a qualified professional to demonstrate how the increased runoff from the site due to the proposed intensification is going to be controlled within the site to the allowable discharge rate estimated based on the City criteria for combined watershed for 2 to 100 year storm event to the satisfaction of the Manager of Development Engineering.
8. That the Owner provide separate independent sewer and water services to the severed and retained parcels, to the satisfaction of the City's Director of Development Engineering.
9. 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).
10. That final and binding approval of Minor Variance application HM/A-24:66 be received, to the satisfaction of the Director of Development Planning.
11. That the proponent shall carry out an archaeological assessment of the portion of the property to be conveyed 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:

The lands to be retained (Part 1) will remain as 470 Ferguson Avenue (Hamilton).

The lands to be conveyed will be assigned the addresses 466 Ferguson Avenue North (Part 2) & 464 Ferguson Avenue North (Part 3).

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.



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Development Planning:

**Background**

	Frontage	Depth	Area
<b>SEVERED LANDS (Part 2):</b>	8.23 m±	13.81 m±	113.65 m <sup>2</sup> ±
<b>RETAINED LANDS (Part 1):</b>	8.96 m±	13.81 m±	123.68 m <sup>2</sup> ±
<b>SEVERED LANDS (Part 3):</b>	8.23 m±	13.81 m±	116.03 m <sup>2</sup> ±

To sever the existing residential lot into three parcels, the severed lands will each contain half of a semi-detached building and the retained lands will contain the existing dwelling which is to remain.

**Analysis**

**Hamilton-Wentworth Regional Official Plan**

The subject property is designated “Urban Area” on Map 1 of the Hamilton – Wentworth Regional Official Plan. The subject lands are also located within the West Harbour (Setting Sail) Secondary Plan and are subject to the policies of the Secondary Plan.

**West Harbour (Setting Sail) Secondary Plan**

The subject lands are designated “Low Density Residential” in Schedule M-2: General Land Use of the West Harbour (Setting Sail) Secondary Plan. Policies found in Section A.6.3.3.1.12, amongst others, are applicable and permit semi-detached dwellings.

Per policy A.6.3.3.1.12 iii), the density of the low density residential designation shall occur within a range of 25 to 60 units per gross hectare. Based upon the gross area of the subject lands (353.36 square metres plus the right of way to the centreline of Ferguson Avenue North), the total number of dwelling units permitted is three. The resulting density of the proposal is 52 units per gross hectare, which is within the range permitted by the Secondary Plan.

Per Section A.6.3.3.1.12 v), lot dimensions and building setbacks shall be generally consistent with other Low Density Residential properties in the neighbourhood. Staff are of the opinion that the lot dimensions and setbacks of the proposed development are generally consistent with the built form and character of the neighbourhood.



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Based on the above policies, Staff are of the opinion that the proposed severed and retained lots maintain the intent of the West Harbour (Setting Sail) Secondary Plan. Staff support the proposed severances.

### **North End East Neighbourhood Plan**

The subject lands are identified as “Single and Double” on Map 6103 (Map 1 of 2) in the North End East Neighbourhood Plan. The proposed and existing semi-detached dwellings conform to the vision of the Neighbourhood Plan.

### **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 for the severed portion of the lot:**

**“Condition:** That the proponent shall carry out an archaeological assessment of the portion of the property to be conveyed 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 located within North End East Established Historic Neighbourhood. Accordingly, the following sections of the Urban Hamilton Official Plan, Volume 1, apply:

“B.3.4.3.6 The City shall protect established historical neighbourhoods, as identified in the cultural heritage landscape inventory, secondary plans and other City initiatives, by ensuring that



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new construction and development are sympathetic and complementary to existing cultural heritage attributes of the neighbourhood, including lotting and street patterns, building setbacks and building mass, height, and materials.

B.3.4.3.7 Intensification through conversion of existing built heritage resources shall be encouraged only where original building fabric and architectural features are retained and where any new additions, including garages or car ports, are no higher than the existing building and are placed to the rear of the lot or set back substantially from the principal façade. Alterations to principal façades and the paving of front yards shall be avoided.”

The proponent proposes to sever the existing residential lot into three parcels. The severed lands will each contain half of a semi-detached building and the retained lands will contain the existing dwelling which is intended to remain.

Staff have reviewed the application and strongly recommend the design incorporate features compatible with the existing historic neighbourhood by incorporating colours and materials sympathetic to neighbouring homes. Staff are supportive of the retention of the existing building at 470 Ferguson Avenue North as part of the proposed residential intensification of this property.

Staff have no further comments on the application as circulated.

**Former City of Hamilton Zoning By-law No. 6593**

The subject lands are zoned “D” (Urban Protected Residential – One and Two-Family Dwellings, Etc.) District. The existing and proposed semi-detached dwellings are permitted uses. Both the retained (being Part 1) and severed lands (being Parts 2 and 3) do not meet the minimum lot area requirement of 360 square metres, where Part 1 is to be 123.63 square metres, Part 2 is to be 113.65 square metres and Part 3 is to be 116.03 square metres. Similarly, Parts 1, 2 and 3 do not meet the minimum lot width requirement of 12 metres with Part 1 having a lot width of 8.96 metres and Parts 2 and 3 having a lot width of 8.23 metres. Staff note Minor Variance application HM/A-24:66 was concurrently submitted to address these and other zoning non-conformities.

Zoning:

Recommendation:	Comments Only
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. The owner/applicant 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, landscaping and building setbacks conform to the requirements of the Zoning By-Law or alternatively apply for and 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).
Comments:	<p>1. This application shall be heard in conjunction with Minor Variance application HM/ A-24:66.</p> <p>2. Approval of the appropriate Planning Act application is required to permit the accessory structures to remain on the conveyed/retained lands when no main use/building has been established.</p> <p>3. 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.</p> <p>4. In order to clear conditions, the applicant will be required to make application for a Zoning Compliance Review and pay the relevant fees.</p>
Proposed Notes:	i) Please note that the proposed development has been reviewed with the understanding that the semidetached is to be built after the severance has taken place. Therefore, since the lots will be existing at time of development the newly created lots (Part 2 and 3) are being reviewed as having a single detached dwelling.

Development Engineering:

Recommendation:	Approve with Conditions
Proposed Conditions:	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, 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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	<p>2. That the Owner submits a SWM Brief prepared by a qualified professional to demonstrate how the increased runoff from the site due to the proposed intensification is going to be controlled within the site to the allowable discharge rate estimated based on the City criteria for combined watershed for 2 to 100 year storm event to the satisfaction of the Manager of Development Engineering.</p> <p>3. That the Owner provide separate independent sewer and water services to the severed and retained parcels, to the satisfaction of the City's Director of Development Engineering.</p>
Comments:	<ul style="list-style-type: none"> <li>• According to our records, the existing municipal infrastructure fronting the subject property is summarized as follows:             <ul style="list-style-type: none"> <li>• Ferguson Avenue North                 <ul style="list-style-type: none"> <li><input type="checkbox"/> 150mm ø PVC Watermain</li> <li><input type="checkbox"/> 1500mm ø Combined Sewer @ ±0.27%</li> <li><input type="checkbox"/> 750mm ø Storm Sewer @ ±0.1% – Wellington Street CSO</li> </ul> </li> <li>• Separate and independent services shall be provided for each additional dwelling constructed within the severed lots.</li> </ul> </li> </ul>
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:	

Transportation Planning:

Recommendation:	Approve
Proposed Conditions:	
Comments:	
Proposed Notes:	

Forestry:





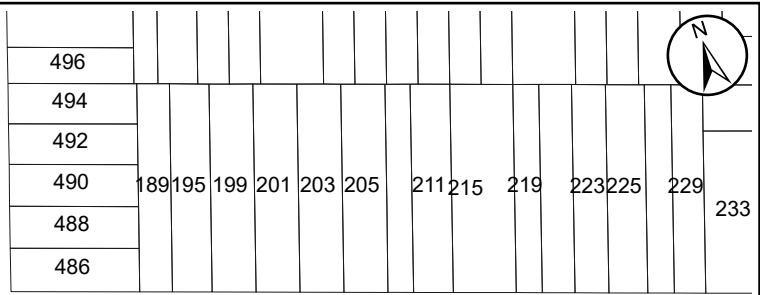
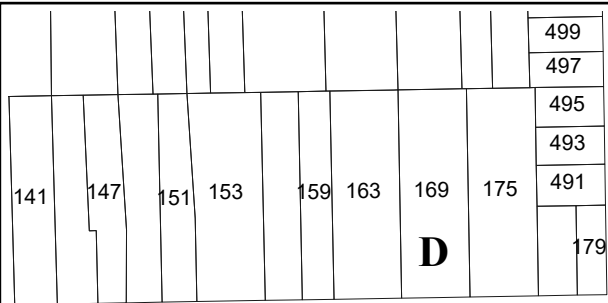
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Recommendation:	Approve
Proposed Conditions:	No conditions required.
Comments:	There are no public tree assets impacted by the proposed conveyance.
Proposed Notes:	The site plan A0.02 dated March 12, 2024, shows sufficient room for 3 street trees negating the requirement for a landscape plan. If any changes to the layout that impacts tree spacing and available soil requirements forestry shall be circulated via urbanforest@hamilton.ca for approval.

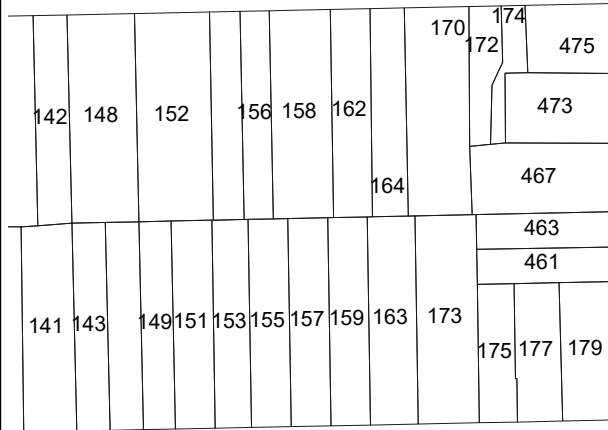
Legislative Approvals:

Recommendation:	Comments and Conditions / Notes
Proposed Conditions:	
Comments:	<p>The lands to be retained (Part 1) will remain as 470 Ferguson Avenue (Hamilton).</p> <p>The lands to be conveyed will be assigned the addresses 466 Ferguson Avenue North (Part 2) &amp; 464 Ferguson Avenue North (Part 3).</p> <p>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.</p>
Proposed Notes:	

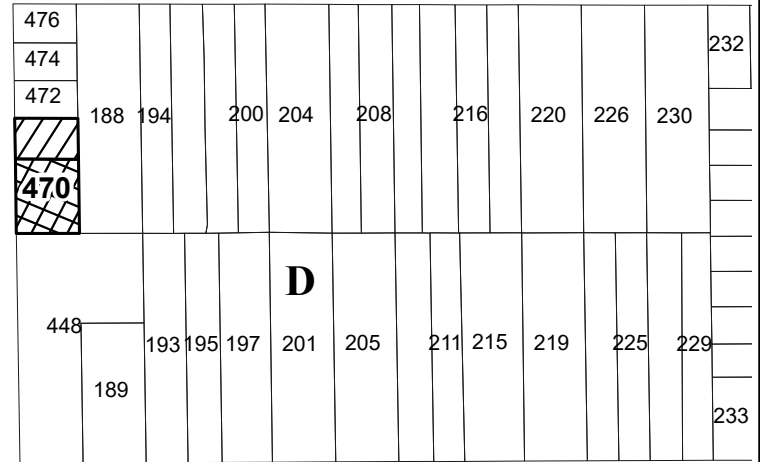




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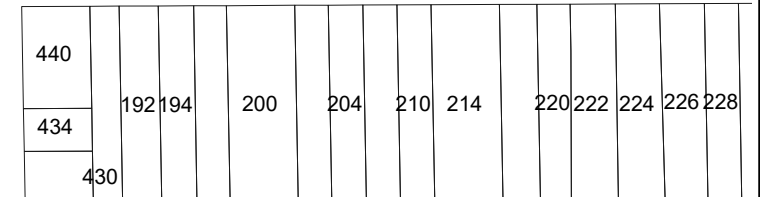
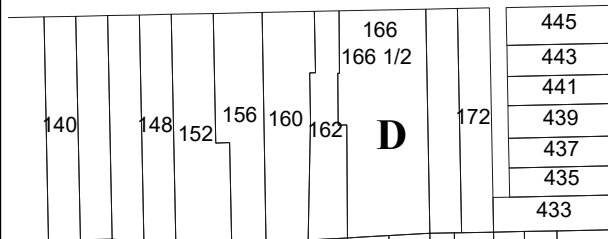


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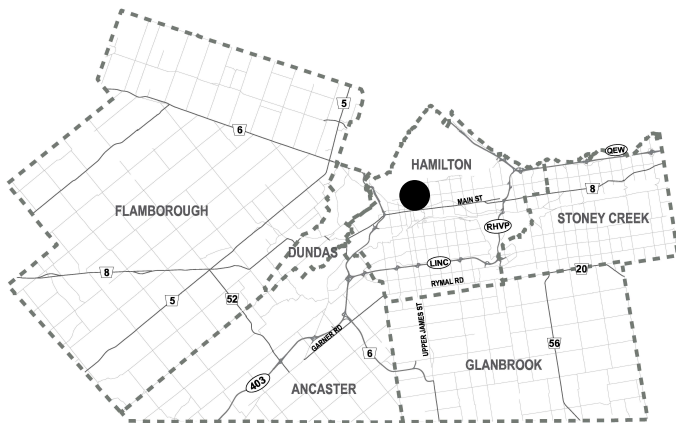


PICTON ST E

PICTON ST E



● Site Location



City of Hamilton

# Committee of Adjustments

**Subject Property**

470 Ferguson Avenue North, Hamilton (Ward 2)



Lands to be Retained



Lands to be Severed

**File Name/Number:**

B-24:16

**Date:**

April 25, 2024

**Technician:**

AL

**Scale:**

N.T.S.

**Appendix "A"**



Hamilton