



Hamilton

B-24:28 – 39 Stanley Avenue, Hamilton

Recommendation:

Approve both Applications

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 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 alternately 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).
5. 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).
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 including all services 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.



Hamilton

7. 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.
8. That the owner shall receive final approval of Minor Variance application A-24:101, to the satisfaction of the Director of Development Planning.
9. That the owner submits and receives approval of a Tree Protection Plan including the review fee as per the Schedule of Rates and Fees, to the satisfaction of the Manager of Heritage and Urban Design. The Tree Protection Plan is to be prepared by a qualified tree management professional (i.e., certified arborist, registered professional forester or landscape architect) in accordance with the City's Council adopted Tree Protection Guidelines (revised October 2010).
10. 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.
11. 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.

Proposed Notes:

Acknowledgement Note: The subject property has been determined to be an area of archaeological potential. It is reasonable to expect that archaeological resources may be encountered during any demolition, grading, construction activities, landscaping, staging, stockpiling or other soil disturbances. If archaeological resources are encountered, the proponent may be required to conduct an archaeological assessment prior to further impact in order to address these concerns and mitigate, through preservation or resource removal and documentation, adverse impacts to any significant archaeological resources found. Mitigation, by an Ontario-licensed archaeologist, may include the monitoring of any mechanical excavation arising from this project. If archaeological resources are identified on-site, further Stage 3 Site-specific Assessment and Stage 4 Mitigation of Development Impacts may be required as determined by the Ontario Ministry of Citizenship and Multiculturalism (MCM). All archaeological reports shall be submitted to the City.

Should deeply buried archaeological materials be found on the property during any of the above development activities the MCM should be notified immediately (416-212-0036) 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).”

The lands to be retained will remain as 39 Stanley Avenue (Hamilton).

The lands to be conveyed will be assigned the address of 35 Stanley Avenue (Hamilton).



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.

Development Planning:

Background

	Frontage	Depth	Area
SEVERED LANDS:	9.68 m±	41.68 m±	403.33 m²±
RETAINED LANDS:	15.45 m±	41.68 m±	6440 m²±

The purpose of Consent application B-24:28 is to sever the existing residential lot into two parcels, the severed lands will be a vacant residential building lot and the retained lands will contain the existing dwelling. Staff note that Minor Variance application A-24:101 is a concurrent application to facilitate the proposed severance.

Analysis

Urban Hamilton Official Plan

The subject lands are designated “Neighbourhoods” in Schedule E–1 Urban Land Use Designations and is identified as “Neighbourhoods” in Schedule E – Urban Structure of the Urban Hamilton Official Plan. Policies E.3.4.3, B.2.4.1.2, B.2.4.2.2, and F.1.14.3.1, amongst others, are applicable and permit the existing and proposed single detached dwellings.

Staff note that both the retained and severed lands have frontage onto a public road and are serviced by municipal services. Staff are of the opinion that the proposed severed and retained lots will maintain the general character of the existing neighbourhood and the proposed lots are compatible with the existing lot fabric.

Based upon review of the above policies, staff are of the opinion that the proposed severance meets the policies of the Urban Hamilton Official Plan regarding severances in the Neighbourhood designation and residential intensification, subject to the approval of Minor Variance application A-24:101. **Staff recommend approval of the proposed severance.**

Kirkendall North Neighbourhood Plan

The subject lands are identified as “Single and Double” on Map 6803 (Map 1 of 2) in the Kirkendall North Neighbourhood Plan. The proposal fulfils the vision of the Kirkendall Neighbourhood Plan.



Hamilton

Archaeology

No comment.

Cultural Heritage

No comment.

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 in Former City of Hamilton Zoning By-law No. 6593. The existing and proposed single detached dwellings are permitted uses. The severed and retained lands are proposed to have frontages of 9.68 and 15.45 metres and lot areas of 403.33 square metres and 644.0 square metres, respectively. The proposed severed lot does not meet the minimum lot width requirement of 12 metres for single detached dwellings. Both the proposed severed and retained parcels meet the minimum required lot area of 360 square metres for single detached dwellings.

Variance 1

1. To permit a minimum lot width of 9.0 metres whereas the Zoning By-law requires a minimum lot width of 12.0 metres.

The intent of this provision is to ensure lots are of a sufficient size to be viable building lots and to maintain the character and built form of the neighbourhood.

Staff note that while lot sizes along Stanley Avenue vary in width, there are existing lots with widths of approximately 9 to 10 metres and some parcels with widths of less than 9 metres. Staff also note that the proposed severed lot exceeds the required lot area for a single detached dwelling and the proposed single detached dwelling would meet all required setbacks. Staff are of the opinion that the proposed severed parcel is comparable in scale and size to the existing lot fabric of the neighbourhood and the proposed severed lot would be a viable building lot. Staff support the variance.

Based on the foregoing, staff are of the opinion that the requested variance maintains the intent of the Urban Hamilton Official Plan and Zoning By-law, is minor in nature and is desirable for the appropriate development and use of the land. **Staff recommend approval.**



Zoning:

Recommendation:	Comments and Conditions / Notes
Proposed Conditions:	<p>1. 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 alternately 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).</p> <p>2. 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).</p>
Comments:	<p>1. In order to clear conditions, the owner/applicant will be required to make application for a Zoning Compliance Review and pay the relevant fees.</p>
Proposed Notes:	

Cultural Heritage:

Recommendation:	Comments Only
Proposed Conditions:	
Comments:	<p>Archaeology:</p> <p>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 <i>Planning Act</i> and Section 2.6.2 of the <i>Provincial Policy Statement</i> apply to the subject application.</p> <p>If this severance is granted, the proponent must be advised in writing by the Committee of Adjustment as follows:</p> <p>Acknowledgement Note: The subject property has been determined to be an area of archaeological potential. It is reasonable to expect that archaeological resources may be encountered during any demolition, grading, construction activities, landscaping, staging, stockpiling or other soil disturbances. If archaeological resources are encountered, the proponent may be required to conduct an archaeological assessment prior to further impact in order to address these concerns and mitigate,</p>



Hamilton

	<p>through preservation or resource removal and documentation, adverse impacts to any significant archaeological resources found. Mitigation, by an Ontario-licensed archaeologist, may include the monitoring of any mechanical excavation arising from this project. If archaeological resources are identified on-site, further Stage 3 Site-specific Assessment and Stage 4 Mitigation of Development Impacts may be required as determined by the Ontario Ministry of Citizenship and Multiculturalism (MCM). All archaeological reports shall be submitted to the City</p> <p>Should deeply buried archaeological materials be found on the property during any of the above development activities the MCM should be notified immediately (416-212-0036) 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).”</p> <p>Cultural Heritage:</p> <p>The subject property comprises 39 Stanley Avenue, a property listed on the Municipal Heritage Inventory List.</p> <p>Accordingly, section B.3.4.1.4 and B.3.4.2.1(g) of the Urban Hamilton Official Plan, Volume 1, apply.</p> <p>The proponent proposes to sever the existing residential lot into two parcels, the severed lands will be a vacant residential building lot.</p> <p>Staff have reviewed the application and would strongly encourage that the new development proposed on the severed lot incorporate materials like wood or wood-composite siding or brick to match the surrounding historic homes.</p> <p>Staff have no further comments on the application as circulated.</p>
Proposed Notes:	

Natural Heritage:

Recommendation:	Approve with Conditions
Proposed Conditions:	<ol style="list-style-type: none"> That the owner submits and receives approval of a Tree Protection Plan including the review fee as per the Schedule of Rates and Fees, to the satisfaction of the Manager of Heritage and Urban Design. The Tree Protection Plan is to be prepared by a qualified tree management professional (i.e., certified arborist, registered professional forester or



Hamilton

	<p>landscape architect) in accordance with the City’s Council adopted Tree Protection Guidelines (revised October 2010).</p> <p>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.</p>
<p>Comments:</p>	<p>1. The subject property is located within the boundaries of the Urban Hamilton Official Plan (UHOP). Based on Schedule B (Natural Heritage System) of the UHOP, 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 features and functions of the City’s Natural Heritage System.</p> <p>2. Through aerial photograph interpretation and the site plan provided, trees have been identified within and adjacent to the subject property. The City recognizes the importance of trees to the health and quality of life in the community (i.e., canopy cover, energy conservation, mental health benefits) and encourages the protection and restoration of trees (policy C.2.11.1).</p> <p>The proposal may impact the trees within and adjacent to the subject property. To ensure that trees are considered in the design of the proposed development, it is recommended that a Tree Protection Plan (TPP) be prepared by a qualified tree management professional (i.e., certified arborist, registered professional forester, or landscape architect) in accordance with the City’s Council adopted Tree Protection Guidelines (revised October 2010).</p> <p>To ensure that existing tree cover is maintained, 1 for 1 compensation is required for any tree (10 cm DBH or greater) that is proposed to be removed. If trees are to be removed, it is recommended that a Landscape Plan (showing the required compensation) be provided.</p>
<p>Proposed Notes:</p>	

Forestry:

<p>Recommendation:</p>	<p>Approve with Conditions</p>
<p>Proposed Conditions:</p>	<p>A Permit to injure or remove municipal trees is a requirement of this application. A Tree Management Plan must be submitted to the Forestry</p>



Hamilton

	and Horticulture Section c/o the Urban Forestry Health Technician, to address potential conflicts with publicly owned trees.
Comments:	<p>Conditions of the Forestry and Horticulture Section will be cleared only after receipt of all applicable fees.</p> <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 intensions 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>



Hamilton

	<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} • 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>
Proposed Notes:	<p>There is a large public tree asset on site that shall be retained. Design solutions will be required to ensure the public tree asset is adequately protected.</p>

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



Hamilton

	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 including all services 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.
Comments:	<ul style="list-style-type: none"> • According to our records, the existing municipal infrastructure fronting the subject property is summarized as follows: <ul style="list-style-type: none"> • Stanley Avenue <ul style="list-style-type: none"> <input type="checkbox"/> 150mm ø Watermain <input type="checkbox"/> 300mm ø Combined Sewer @ ±0.5% • Note that separate and independent services shall be provided for each additional dwelling constructed within the severed lots.
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.
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
Proposed Conditions:	
Comments:	
Proposed Notes:	



Hamilton

Legislative Approvals:

Recommendation:	Comments and Conditions / Notes
Proposed Conditions:	
Comments:	The lands to be retained will remain as 39 Stanley Avenue (Hamilton). The lands to be conveyed will be assigned the address of 35 Stanley Avenue (Hamilton).
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.

Hamilton - 39 Stanley Avenue - B-24-28

AMIN Pranav <Pranav.Amin1@HydroOne.com>

Mon 5/27/2024 3:44 PM

To:Committee of adjustment <cofa@hamilton.ca>

External Email: Use caution with links and attachments

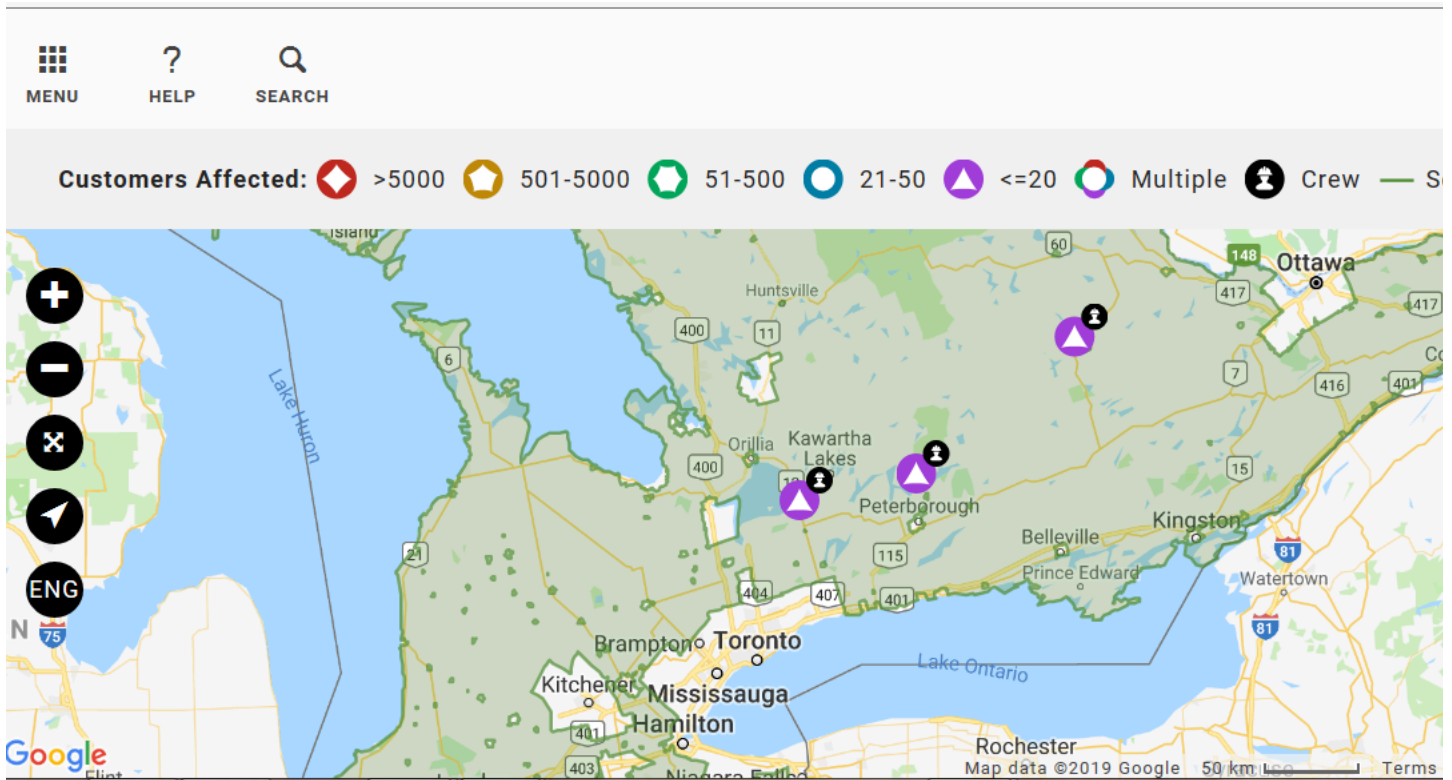
Hello,

We are in receipt of your Application for Consent, B-24-28 dated May 13th, 2024. We have reviewed the documents concerning the noted Application and have no comments or concerns at this time. **Our preliminary review considers issues affecting Hydro One's 'High Voltage Facilities and Corridor Lands' only.**

For proposals affecting 'Low Voltage Distribution Facilities' please consult your local area Distribution Supplier.

To confirm if Hydro One is your local distributor please follow the following link:
[Stormcentre \(hydroone.com\)](https://stormcentre.hydroone.com)

Please select " Search" and locate address in question by entering the address or by zooming in and out of the map



If Hydro One is your local area Distribution Supplier, please contact Customer Service at 1-888-664-9376 or e-mail CustomerCommunications@HydroOne.com to be connected to your Local Operations Centre

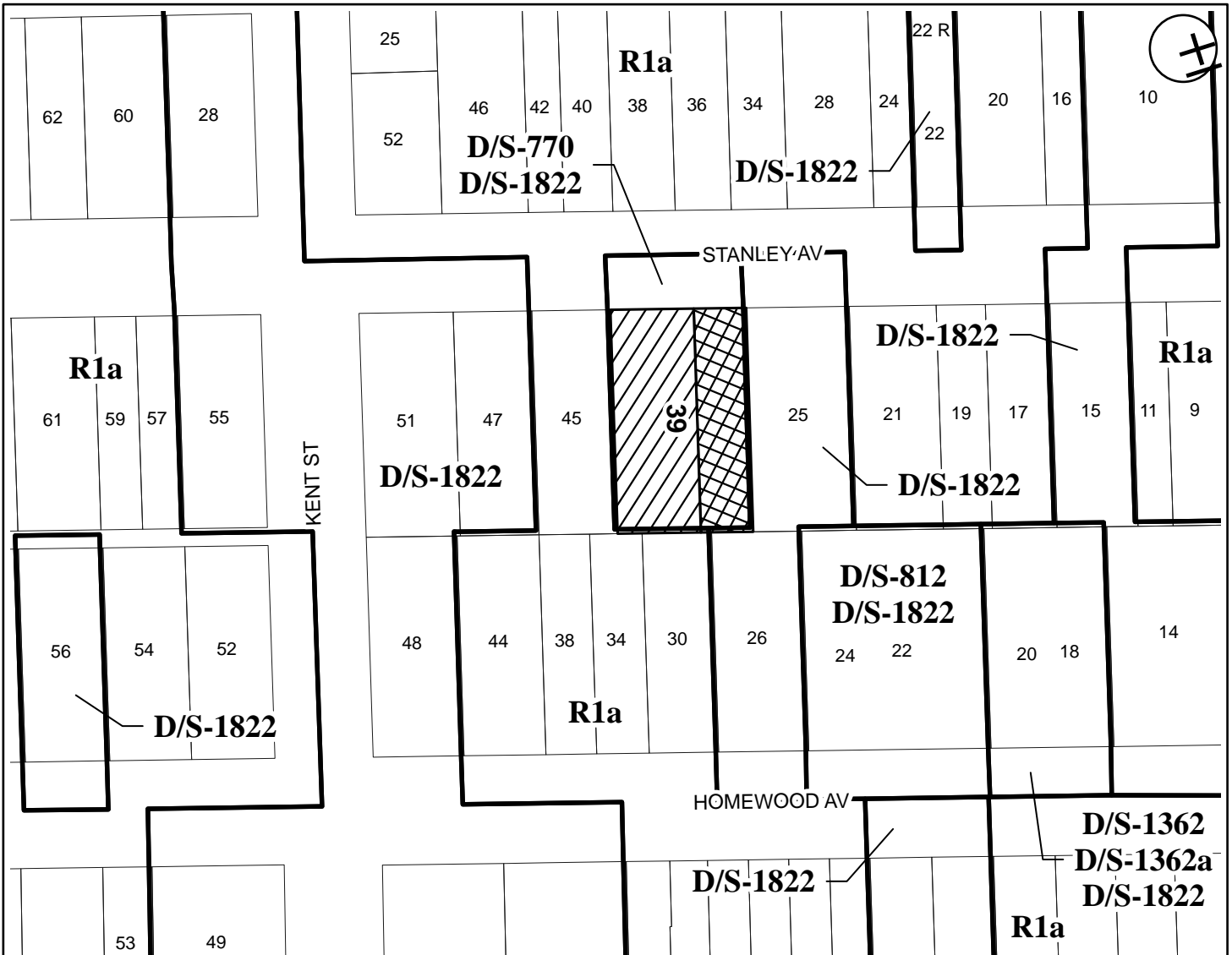
Please let me know if you have any questions or concerns.

Thank you,

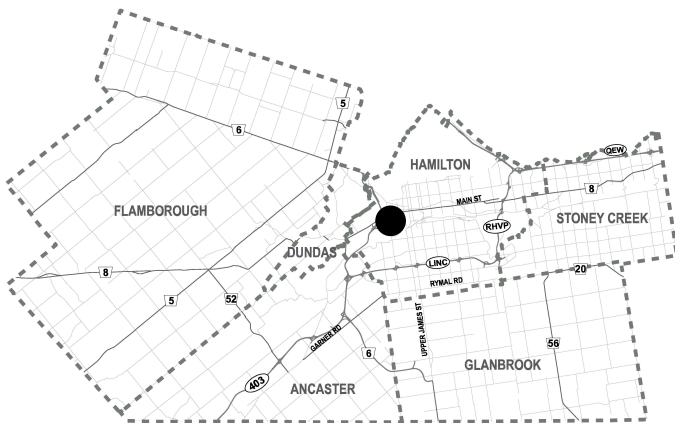
Dennis De Rango

Specialized Services Team Lead, Real Estate Department
Hydro One Networks Inc.
Tel: (905)946-6237

Email: Dennis.DeRango@HydroOne.com



● Site Location





City of Hamilton

Committee of Adjustments

Subject Property

39 Stanley Avenue, Hamilton (Ward 1)

-  Lands to be retained
-  Lands to be severed

File Name/Number:

B-24:28

Date:

May 27, 2024

Technician:

AL

Scale:

N.T.S.

Appendix "A"



Hamilton