



Hamilton

**A-24:101 – 39 Stanley Avenue, Hamilton**

**Recommendation:**

Approve both Applications

**Proposed Conditions:**

**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).”



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**Development Planning:**

**Background**

	Frontage	Depth	Area
<b>SEVERED LANDS:</b>	9.68 m±	41.68 m±	403.33 m <sup>2</sup> ±
<b>RETAINED LANDS:</b>	15.45 m±	41.68 m±	6440 m <sup>2</sup> ±

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.

**Archaeology**

No comment.



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**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 Only
Proposed Conditions:	
Comments:	Please note that these lands may be: - Regulated by a Conservation Authority; - Located within or adjacent to an Environmentally Sensitive Area (ESA);



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	<ul style="list-style-type: none"> <li>- Designated under the Ontario Heritage Act;</li> <li>- Listed in the City of Hamilton’s Inventory of Buildings of Architectural and/or Historical Interest; and/or,</li> <li>- Included in the City of Hamilton’s Register of Property of Cultural Heritage Value or Interest.</li> </ul> <p>Staff cannot confirm this information at this time and the applicant should make the appropriate inquiries in order to determine what other regulations may be applicable to the subject property.</p>
Proposed Notes:	

Cultural Heritage:

Recommendation:	Comments and Conditions / Notes
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 variance is granted, the proponent must be advised in writing by the Committee of Adjustment as follows:</p> <p><b>Acknowledgement Note:</b> 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</p>



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	<p>notified immediately (<a href="tel:416-212-0036">416-212-0036</a>) 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 create a new lot for the construction of a new single-family dwelling.</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:	Comments Only
Proposed Conditions:	
Comments:	As per application B-24:28, trees appear to be located within and adjacent to the subject property. To facilitate the creation of a new lot, these trees may be impacted. As a result, a Tree Protection Plan and Landscape Plan have been identified as conditions of the severance. This information is to be used in the design of the building envelope for the single dwelling home.
Proposed Notes:	

Development Engineering:

Recommendation:	No comments.
Proposed Conditions:	
Comments:	Development Engineering has no objections to the minor variance as proposed.
Proposed Notes:	



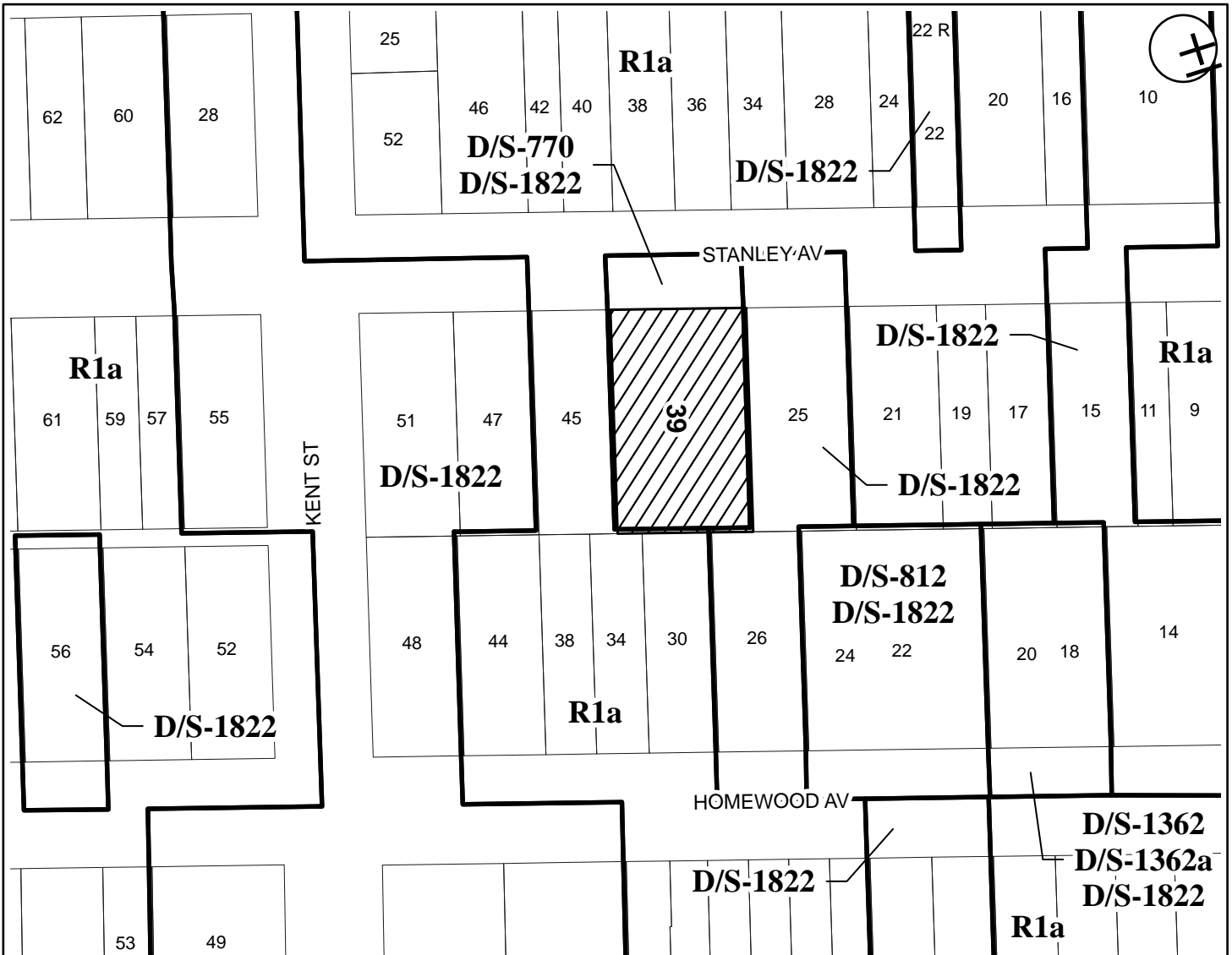
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Building Engineering:

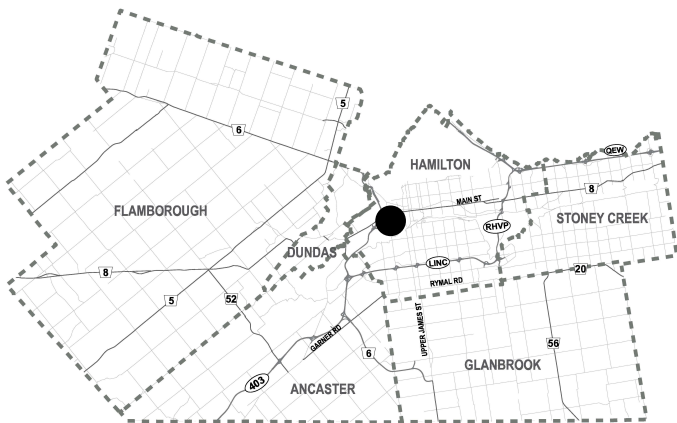
Recommendation:	Comments Only
Proposed Conditions:	
Comments:	
Proposed Notes:	A building permit is required for the purposed construction of a new single-family dwelling and the demolition of the accessory building.  Be advised that Ontario Building Code regulations may require specific setback and construction types.

Transportation Planning:

Recommendation:	Approve
Proposed Conditions:	
Comments:	
Proposed Notes:	




● Site Location



**City of Hamilton**

**Committee of Adjustments**

**Subject Property**

 39 Stanley Avenue, Hamilton (Ward 1)

**File Name/Number:**

A-24:101

**Date:**

May 27, 2024

**Technician:**

AL

**Scale:**

N.T.S.

Appendix "A"



**Hamilton**

Planning and Economic Development Department