



Hamilton

HM/B-22:133 – 14 Belvidere Avenue, Hamilton

Recommendation:

Development Planning - Approve Minor Variance application A-24:93, as amended
Development Planning - Table Consent application HM/B-22:133, as amended
Development Engineering - Deny
Natural Heritage - Deny

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 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).
5. The owner shall apply for and receive any required building permits in the normal manner to the satisfaction of the Planning and Economic Development Department (Planning Division – Zoning Examination Section).
6. The applicant should obtain an appropriate municipal address for the proposed parcel(s) from the Growth Planning Section of the Planning and Economic Development Department prior to the issuance of a building permit.
7. The owner shall submit survey evidence that the lands to be retained and severed, including location of proposed and existing structures, parking, landscaping, encroachments and building height conform to the requirements of the Zoning By-law or alternatively apply and receive final approval of any variances from the requirements of the Zoning By-law as determined necessary



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- by the Planning and Economic Development Department (Planning Division – Zoning Examination Section).
8. Confirmation of a legal agreement/easement is required to ensure continued shared use and maintenance of the proposed driveway identified as Part 5 (Lot 3).
 9. That the applicant registers a mutual access easement across Part 5 (Lot 3), in favour of Part 2 (Lot 2), to the satisfaction of the Director of Development Planning.
 10. That the owner submits and received approval of a revised Environmental Impact Statement prepared in accordance with the City's Council adopted Guidelines, to the satisfaction of the Manager of Heritage and Urban Design.
 11. That, the owner submits and receives approval of a Tree Protection Plan, including the review fee as per the effective 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).
 12. That, the owner submits and receives approval of a Landscape Plan, prepared by a certified landscape architect to the satisfaction of the Manager of Heritage and Urban Design. This Plan is to include compensation for any tree (10 cm DBH or greater) that is proposed to be removed as well as any fencing.
 13. The owner shall prepare and implement a Vegetation Protection Zone (VPZ) Planting Plan to the satisfaction of the Manager of Heritage and Urban Design. The VPZ Planting Plan is to be prepared by a certified landscape architect in consultation with an ecologist. All plantings within the VPZ shall use non-invasive plant species native to Hamilton.
 14. 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



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STAFF COMMENTS

HEARING DATE: June 11, 2024

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 (Part 4) will assigned as 26 Belvidere Avenue (Hamilton).

The lands to be conveyed (Parts 1,2,3) will be assigned the addresses of 14 Belvidere Avenue (Hamilton), 18 Belvidere Avenue (Hamilton) and 22 Belvidere 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.



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Development Planning:

Background

To permit the conveyance of two (2) parcels of land for future residential development and to retain two (2) parcels of land for future residential development.

Staff note that the applicant has since revised the initial proposal circulated out for comments. Staff have reviewed the revised proposal against the policy of the Official Plan.

	Frontage	Depth	Area
SEVERED LANDS: (Part 1)	17.28 m [±]	irregular	±1,008.4 M ² ±
SEVERED LANDS: (Parts 3 and 5)	6.53 m [±]	irregular	±949.04 M ² ±
RETAINED LANDS: (Part 2)	4.48 m [±]	irregular	±887.72 M ² ±
RETAINED LANDS: (Part 4)	9.45 m [±]	irregular	±432.05 m ² ±

Analysis

Urban Hamilton Official Plan

The property is identified as “Neighbourhoods” in Schedule E – Urban Structure and is designated “Neighbourhoods” in Schedule E-1 – Urban Land Use Designations. Policies B.2.4.2.2, F.1.14.3.1, E.3.2.3, and E.3.4.3 amongst others, are applicable and permit single detached dwellings.

Staff note that the proposed severed and retained lands will have frontage onto a public road and will be fully serviced by municipal services. Staff are of the opinion that the proposal will reflect the general scale and lot fabric of the existing residential lot fabric. Furthermore, staff are of the opinion that the proposal meets policy related to residential intensification as the proposal is providing intensification within the built-up area.

Natural Heritage

Having regard for the matters under subsection 51(24) of the *Planning Act*, staff is satisfied that the proposed lots are suitable for the use and the proper and orderly development of the land. However, since the Environmental Impact Statement is under review and has not been approved, it is recommended that this application be **tabled**.



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City of Hamilton Zoning By-law No. 6593 and Hamilton Zoning By-law No. 05-200

The subject lands are zoned Urban Protected Residential “C/S-1822” District which permits the use of single detached dwellings and structures accessory thereto, in accordance with the applicable provisions.

The approved zoning of the subject lands in Zoning By-law No. 05-200, which is not final and binding, is Low Density Residential (R1) Zone.

Variance 1: Lots 1, 2, and 3

1. The rear lot line shall be the northernmost lot line adjacent to the Niagara Escarpment.

Staff note that due to the nature of the lot layout, the rear lot line that would allow the proposed and retained lands to function properly would be the northernmost lot line. Staff are of the opinion the variance is minor in nature and desirable for the development as no negative impacts are anticipated to the subject site or surrounding area. Staff are of the opinion that the variance meets the four tests of a minor variance. Based on the foregoing, **staff support the variance**.

Variances 2, 3, and 4: Lots 2, 3, and 4

1. To permit a Minimum Lot Width of 4 metres for Lot 2 (Part 2), whereas 12 metres is required for a single-detached dwelling.
2. To permit a Minimum Lot Width of 6 metres for Lot 3 (Part 3), whereas 12 metres is required for a single-detached dwelling.
3. To permit a Minimum Lot Width of 9 metres for Lot 4 (Part 4), whereas 12 metres is required for a single-detached dwelling.

The intent of this provision is to ensure sufficient space is provided for a proper building envelope, site access, and to provide for a consistent low density residential streetscape.

Staff are of the opinion that the general intent of the By-law is being maintained as a sufficient width will be provided for a proper building envelope to be provided and that a consistent residential streetscape will be maintained. Staff note that due to the irregular shape of the lands being on a curved road, a reduction in lot frontage is required to provide for access for Lots 2 and 3. Further, to reduce the number of driveways along Belvidere Avenue, the applicant is proposing no direct driveway access to Lot 2 and Lot 2 will be accessed by a mutual driveway and easement, as shown on Part 5. Staff are of the opinion the variances are minor in nature and desirable for the development as no negative impacts are anticipated to the subject site or surrounding area. Staff are of the opinion that the variances meet the four tests of a minor variance. Based on the foregoing, **staff support the variances**, subject to the access easement across Part 5 in favour of Lot 2.



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Zoning:

Recommendation:	Comments and Conditions / Notes
Proposed Conditions:	<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 apply for and receive any required building permits in the normal manner to the satisfaction of the Planning and Economic Development Department (Planning Division – Zoning Examination Section). 3. The applicant should obtain an appropriate municipal address for the proposed parcel(s) from the Growth Planning Section of the Planning and Economic Development Department prior to the issuance of a building permit. 4. The owner shall submit survey evidence that the lands to be retained and severed, including location of proposed and existing structures, parking, landscaping, encroachments and building height conform to the requirements of the Zoning By-law or alternatively apply 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).
Comments:	<ol style="list-style-type: none"> 1. In order to clear conditions, the applicant will be required to make application for Ontario Building Code compliance and pay the relevant fees. 2. In order to clear conditions, the applicant will be required to make the application for Zoning Compliance Review and pay the relevant fees. 3. Please be advised the Minor Variance Application A-24:93 has been submitted for the subject lands.
Proposed Notes:	



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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 Planning Act and Section 2.6.2 of the Provincial Policy Statement 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, 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>No comments</p>
Proposed Notes:	



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Natural Heritage:

Recommendation:	Deny
Proposed Conditions:	<p>If the application is approved, the following conditions should be applied.</p> <ol style="list-style-type: none"> 1. That the owner submits and received approval of a revised Environmental Impact Statement prepared in accordance with the City’s Council adopted Guidelines, to the satisfaction of the Manager of Heritage and Urban Design. 2. That, the owner submits and receives approval of a Tree Protection Plan, including the review fee as per the effective 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). 3. That, the owner submits and receives approval of a Landscape Plan, prepared by a certified landscape architect to the satisfaction of the Manager of Heritage and Urban Design. This Plan is to include compensation for any tree (10 cm DBH or greater) that is proposed to be removed as well as any fencing. 4. The owner shall prepare and implement a Vegetation Protection Zone (VPZ) Planting Plan to the satisfaction of the Manager of Heritage and Urban Design. The VPZ Planting Plan is to be prepared by a certified landscape architect in consultation with an ecologist. All plantings within the VPZ shall use non-invasive plant species native to Hamilton.
Comments:	<ol style="list-style-type: none"> 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 have been identified within and adjacent to the subject property. In this case, the Core Areas have been identified as the Hamilton Escarpment Environmentally Significant Area (ESA) and Significant Woodland. <p>Based on policies within the UHOP (C.2.3), any development or site alteration within or adjacent to Core Areas shall not negatively impact their natural features or their ecological functions. Development, as defined within the UHOP, includes the creation of a new lot.</p>



When development has the potential to negatively impact a Core Area's natural features or their ecological functions, an Environmental Impact Statement (EIS) is to be prepared. An EIS has been prepared by GeoProcess Research Associates March 5, 2024. Upon review, the EIS does not meet the intent of the policies within the UHOP. This is based on the following.

a) The EIS has not been prepared in accordance with the approved Terms of Reference (ToR).

- The background review does not include a discussion on the Hamilton Escarpment Environmentally Significant Area (ESA).
- The fall vegetation survey was completed outside of the required timeframe (November instead of September/October).
- The rationale for why a Butternut Health Assessment was not completed is missing
- A Tree Protection Plan (prepared in accordance with the City's Council adopted Guidelines) has not been provided
- The local status ranking of both plants and wildlife have not been included in the observation tables

b) Policy Analysis: A fulsome review of applicable policies has not been included. The policy context provides a framework for analyzing impacts.

c) Development Proposal: The development proposal provided in the EIS is different than what is being proposed. This may influence the impact assessment and mitigation measures section of the EIS.

d) Mitigation Measures: The measures provided to mitigate impacts are very limited.

i. Vegetation Protection Zone (VPZ): As per policy C.2.3.3, an appropriate VPZ is to be applied to all Core Areas. The VPZ is to be of sufficient width to protect the features and their functions before, during, and after the change in land use.

A 10 m VPZ has been proposed to protect the Core Areas. The VPZ will be provided within the rear of the lots. This may make it difficult to ensure that the VPZ is being maintained as intended.

In addition, based on policies C.2.5.9, C.2.5.12, and C.2.5.13, the VPZ is to remain in or be returned to a natural state. Discussions on how this will be implemented are missing from the EIS.



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	<p>The proposal is to be revised to ensure that the entire VPZ is in one lot.</p> <p>ii. Specific details on implementation of the mitigation measures are missing from the EIS.</p> <p>As a result, the EIS has not been approved.</p> <p>2. Through aerial photograph interpretation, 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, wildlife habitat) and encourages the protection and restoration of trees (policy C.2.11.1).</p> <p>The proposed development will impact trees within the subject property. A tree inventory has been provided within the EIS, however, it does not meet the requirements of the City of Hamilton's Tree Protection Guidelines (revised October 2010).</p> <p>In addition, 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. This has not been contemplated.</p> <p>3. The subject property is located adjacent to the Niagara Escarpment Plan "Natural Area". It is unclear if the Niagara Escarpment Commission (NEC) has any comments/concerns with this application.</p>
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:	<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</p>



	<p>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> <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
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	<ul style="list-style-type: none"> 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:	

Development Engineering:

Recommendation:	Deny
Proposed Conditions:	
Comments:	<ul style="list-style-type: none"> Development Engineering does not support the proposed land severance application. Based on the current proposed lot fabric, Lot 2 does not have frontage onto Belvidere Ave. The Owner must provide an additional part for independent access to Part 2. The Owner must demonstrate that each lot will have separate and independent services in accordance with City standards. According to our records, there is an existing 150 mmø Watermain fronting the subject property. However, there is no sanitary or storm sewer fronting the subject property.
Proposed Notes:	

Building Engineering:

Recommendation:	Comments Only
Proposed Conditions:	



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Comments:	
Proposed Notes:	This Division has no concerns with the proposed application.

Transportation Planning:

Recommendation:	Approve with Conditions
Proposed Conditions:	Transportation Planning can support the severance of the lands if the following conditions are met: 1. Confirmation of a legal agreement/easement is required to ensure continued shared use and maintenance of the proposed driveway identified as Part 5 (Lot 3).
Comments:	
Proposed Notes:	

Building Engineering:

Recommendation:	Comments and Conditions / Notes
Proposed Conditions:	
Comments:	The lands to be retained (Part 4) will assigned as 26 Belvidere Avenue (Hamilton). The lands to be conveyed (Parts 1,2,3) will be assigned the addresses of 14 Belvidere Avenue (Hamilton), 18 Belvidere Avenue (Hamilton) and 22 Belvidere 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 - 14 Belvidere Avenue - HM-B-22-133

AMIN Pranav <Pranav.Amin1@HydroOne.com>

Mon 5/27/2024 3:48 PM

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

External Email: Use caution with links and attachments

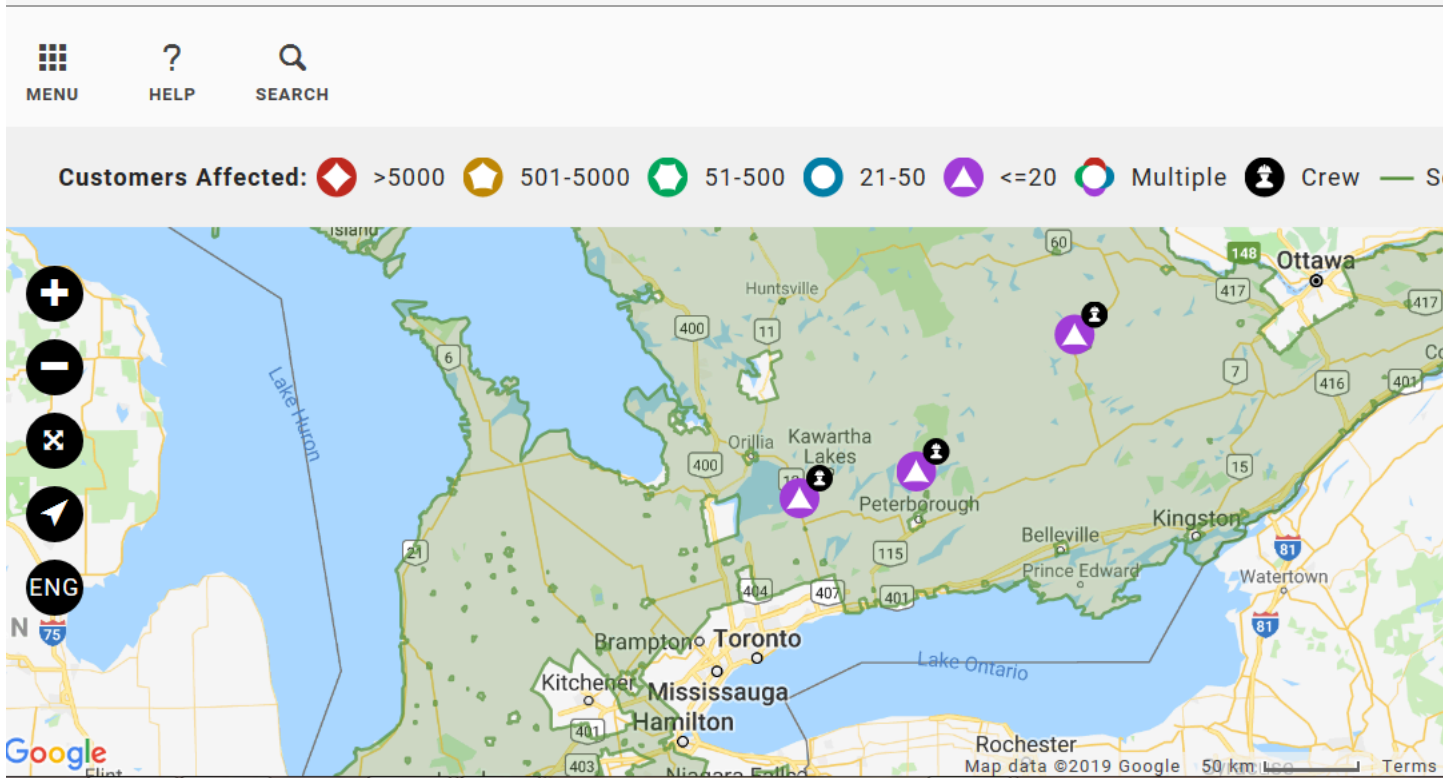
Hello,

We are in receipt of your Application for Consent, HM-B-22-133 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

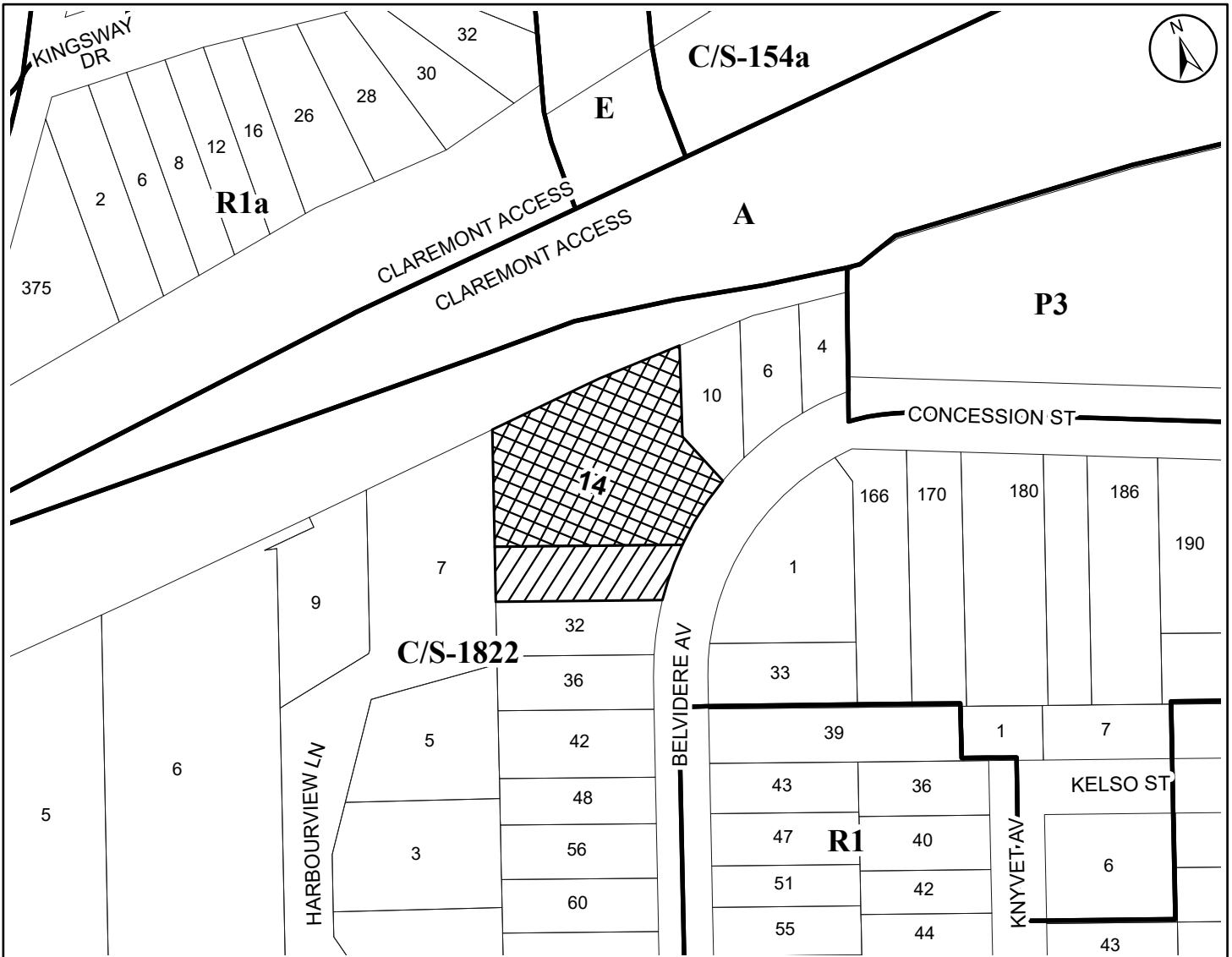
Please let me know if you have any questions or concerns.

Thank you,

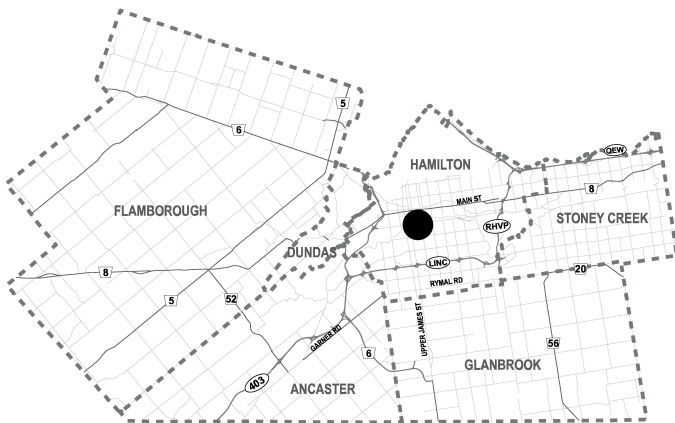
Dennis De Rango

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

14 Belvidere Avenue, Hamilton (Ward 8)

-  Lands to be retained
-  Lands to be Severed

File Name/Number:

HM/B-22:133

Date:

May 31, 2024

Technician:

AL

Scale:

N.T.S.

Appendix "A"



Hamilton