



Hamilton

A-24:112 – 1007 Beach Boulevard, Hamilton

Recommendation:

Cultural Heritage - Deny
Development Engineering – Deny

Proposed Conditions:

1. Transportation Planning has no objection to the severance application if the Owner dedicates the right-of-way as per the Hamilton Official Plan. Beach Boulevard is to be 26.213 metres. The existing right-of-way at the subject property is approximately ± 20 metres. Approximately ± 3.048 metres are to be dedicated to the right-of-way on Beach Boulevard, as per the Council Approved Urban Official Plan: Chapter C City Wide Systems and Dedications, 4.5 Road Network Functional Classification, 4.5.2. Collector Roads.
 - a. A survey conducted by an Ontario Land Surveyor and at the Applicant's expense will determine the ultimate dimensions for the right-of-way widening.
 - b. The Applicant's surveyor is to contact Geomatics and Corridor Management to confirm the right-of-way dedication requirements.
 - c. Subject to the satisfaction and approval of the Manager, Transportation Planning.

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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STAFF COMMENTS

HEARING DATE: June 25, 2024

1. A portion of the lands appear to be in the Regulated Area of the Hamilton Conservation Authority. The applicant is advised that a Development Permit from the Hamilton Conservation Authority may be required.



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Development Planning:

Background

The application is to permit the conveyance of a parcel of land to create a new residential building lot. The existing dwelling will be demolished to facilitate this application.

SEVERED LANDS:

Frontage: 8.73 m± **Depth:** 40.80 m± **Area:** 356.40 m² ±

RETAINED LANDS:

Frontage: 8.73 m± **Depth:** 40.80 m± **Area:** 356.40 m² ±

The following variances are requested, for the lands to be severed and retained:

Severed Lot:

1. A maximum building height of 10.3 metres and 2 storeys shall be provided instead of the maximum 9.0 metre and 2 storey building height permitted.
2. A minimum side yard width of 1.2 metres shall be permitted instead of the minimum 1.7m side yard width required.
3. A minimum lot frontage of 8.73m shall be permitted instead of the minimum 12.0 metre lot frontage required.
4. A minimum lot area of 356 square metres shall be provided instead of the minimum 360 square metre lot area required.
5. Maneuvering for parking spaces shall be permitted off site.

Retained Lot:

6. A maximum building height of 10.3 metres and 2 storeys shall be provided instead of the maximum 9.0 metre and 2 storey building height permitted.
7. A minimum side yard width of 1.2 metres shall be permitted instead of the minimum 1.7m side yard width required.
8. A minimum lot frontage of 8.73m shall be permitted instead of the minimum 12.0 metre lot frontage required.
9. A minimum lot area of 356 square metres shall be provided instead of the minimum 360 square metre lot area required.
10. Maneuvering for parking spaces shall be permitted off site.



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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 ([416-212-0036](tel: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 ([416-212-0036](tel:416-212-0036)).

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.

The following policies, amongst others, are applicable:

“B.3.4.2.1 h) Conserve the character of areas of cultural heritage significance, including designated heritage conservation districts and cultural heritage landscapes, by encouraging those land uses, development and site alteration activities that protect, maintain and enhance these areas within the City.

B.3.4.5.1 An inventory of built heritage resources shall be prepared by the City and, as appropriate, may be included in the Register of Property of Cultural Heritage Value or Interest. Registered properties containing built heritage resources may be considered for designation under the Ontario Heritage Act and shall be protected in the carrying out of any undertaking subject to the Environmental Assessment Act or the Planning Act, R.S.O., 1990 c. P.13



- B.3.4.5.2 The City shall encourage the retention and conservation of built heritage resources in their original locations. In considering planning applications under the Planning Act, R.S.O., 1990 c. P.13 and heritage permit applications under the Ontario Heritage Act, there shall be a presumption in favour of retaining the built heritage resource in its original location. (OPA 167)
- E.3.2.3 The following uses shall be permitted on lands designated Neighbourhoods on Schedule E-1 – Urban Land Use Designations:
- a) residential dwellings, including second dwelling units and housing with supports;
 - b) open space and parks;
 - c) local community facilities/services; and,
 - d) local commercial uses.
- E.3.2.4 The existing character of established Neighbourhoods designated areas shall be maintained. Residential intensification within these areas shall enhance and be compatible with the scale and character of the existing residential neighbourhood in accordance with Section B.2.4 – Residential Intensification and other applicable policies of this Plan.
- F.1.14.3 Lot Creation – Urban Area Neighbourhoods Designation
- F.1.14.3.1 Consents for new lot creation, for both the severed and retained lands, for residential uses in the Neighbourhoods designation shown on Map E-1 – Urban Land Use Designation, shall be permitted provided the following conditions are met:
- a) The lots comply with the policies of this Plan, including secondary plans, where one exists;
 - b) The lots comply with existing Neighbourhood Plans;
 - c) The lots are in conformity with the Zoning By-law or a minor variance is approved;
 - d) 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;
 - e) The lots are fully serviced by municipal water and wastewater systems; and,
 - f) The lots have frontage on a public road.”



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Policy F.1.14.3.1 a) requires that the proposed severance comply with the policies of the Urban Hamilton Official Plan. The subject lands contain features designated under the *Ontario Heritage Act*. The proponent has not applied for or obtained a Heritage Permit for the removal of the existing dwelling. Staff require this permit to be obtained prior to proceeding with the severance application in order to ensure the cultural heritage matters related to the subject lands have been addressed. Planning Staff recommend tabling the application so heritage matters can be addressed.

Cultural Heritage

The subject property comprises 1007 Beach Boulevard, a property within the Hamilton Beach Heritage Conservation District designated under Part V of the *Ontario Heritage Act*.

The proponent proposes to permit the conveyance of a parcel of land to create a new residential building lot and to demolish the existing dwelling to facilitate this.

Under the *Ontario Heritage Act*, a Heritage Permit is required for the demolition of existing structures and for the construction of new buildings in a Heritage Conservation District. A Heritage Permit will be required for the proposed work. Therefore, **staff are of the opinion that the application is premature until a Heritage Permit has been approved for the proposed work.**

Further, sections B.3.4.1.4 and B.3.4.2.1(g) of the Urban Hamilton Official Plan, Volume 1, apply and section B.3.4.2.11 a) of the Urban Hamilton Official Plan, Volume 1, states that a *Cultural Heritage Impact Assessment shall* be required by the City and submitted prior to or at the time of any application submission pursuant to the *Planning Act* where the proposed *development, site alterations, or redevelopment* of lands (both public and private) has the potential to adversely affect Properties designated under any part of the Ontario Heritage Act or adjacent to properties designated under any part of the *Ontario Heritage Act*.

Staff are of the opinion that the subject application may affect the heritage attributes of the Hamilton Beach Heritage Conservation District. **Therefore, staff require that a Cultural Heritage Impact Assessment (CHIA) be prepared and submitted as part of any future Planning Act application and staff note that a CHIA will also be required as part of a Heritage Permit application, which shall be applied for before any subsequent Planning Act applications.**

CHIAs are used to evaluate potential development and site alteration of protected heritage properties and demonstrate how the heritage attributes of the heritage property will be conserved through mitigative measures and/or alternative development approaches as required.

CHIAs shall be prepared in conformity with the City's Heritage Impact Assessment Guidelines. The CHIA report shall be submitted for review by Planning staff and the Hamilton Municipal Heritage Committee prior to acceptance of the report as being complete or the clearance of any conditions on any development approvals.



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The Cultural Heritage Impact Assessment will also be forwarded to the Policy and Design Working Group of the Hamilton Municipal Heritage Committee for their review and comment prior to acceptance of the report as being complete or the clearance of any conditions on any development approvals.

Any recommendations for alternatives or mitigative measures coming out of the Cultural Heritage Impact Assessment shall be reflected in subsequent Heritage Permit and *Planning Act* applications and may be included as conditions of future development applications.

Noise

The QEW is identified as a “Provincial Highway (Controlled Access)” on Schedule C – Functional Road Classification in the UHOP.

The proposed consent is for residential purposes, which is a sensitive land use and the subject property is located within 400 metres of an existing or proposed parkway or provincial highway (controlled access), as identified on Schedule C – Functional Road Classification. Therefore, a noise feasibility study is required to be submitted for review and approval in order to conform to Policy B.3.6.3.7 Road and Railway Traffic Noise and Vibration of the Urban Hamilton Official Plan.

Former City of Hamilton Zoning By-law No. 6593

The subject lands are zoned Urban Protected Residential “C/S-1435 & C/S-1435a & C/S-1822” District, Modified, which permits the use of single detached dwellings.

Analysis

The subject lands contain features designated under the *Ontario Heritage Act*. The proponent has not applied for or obtained a Heritage Permit for the removal of the existing dwelling. Staff require this permit to be obtained prior to proceeding with the severance application in order to ensure the cultural heritage matters related to the subject lands have been addressed. Planning Staff recommend tabling the application so heritage matters can be addressed. Furthermore, the applicant has not demonstrated that the proposed lot widths and building designs are compatible with the Beach Boulevard Heritage Conservation District. Staff recommend that the application be tabled until these matters can be addressed.

Zoning:

Recommendation:	Comments Only
Proposed Conditions:	
Comments:	1. Requested variances are required to facilitate severance application B-24:30



	<p>2. Variance #5, for the lands to be severed should be altered to read as follows;</p> <p>Off site maneuvering for parking spaces shall be permitted</p> <p>3. Variance #10 for the lands to be retained should be altered to read as follows;</p> <p>Off site maneuvering for parking spaces shall be permitted</p>
Proposed Notes:	

Natural Heritage:

Recommendation:	No comments.
Proposed Conditions:	
Comments:	
Proposed Notes:	

Cultural Heritage:

Recommendation:	Deny
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 variance 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-</p>



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).”

Cultural Heritage:

The subject property comprises 1007 Beach Boulevard, a property within the Hamilton Beach Heritage Conservation District designated under Part V of the Ontario Heritage Act.

The proponent proposes to permit the conveyance of a parcel of land to create a new residential building lot and to demolish the existing dwelling to facilitate this.

Under the Ontario Heritage Act, a Heritage Permit is required for the demolition of existing structures and for the construction of new buildings in a Heritage Conservation District. A Heritage Permit will be required for the proposed work. Therefore, staff are of the opinion that the application is premature until a Heritage Permit has been approved for the proposed work.

Further, sections B.3.4.1.4 and B.3.4.2.1(g) of the Urban Hamilton Official Plan, Volume 1, apply and section B.3.4.2.11 a) of the Urban Hamilton Official Plan, Volume 1, states that a Cultural Heritage Impact Assessment shall be required by the City and submitted prior to or at the time of any application submission pursuant to the Planning Act where the proposed development, site alterations, or redevelopment of lands (both public and private) has the potential to adversely affect Properties designated under any part of the Ontario Heritage Act or adjacent to properties designated under any part of the Ontario Heritage Act.

Staff are of the opinion that the subject application may affect the heritage attributes of the Hamilton Beach Heritage Conservation District. Therefore,



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	<p>staff require that a Cultural Heritage Impact Assessment (CHIA) be prepared and submitted as part of any future Planning Act application and staff note that a CHIA will also be required as part of a Heritage Permit application, which shall be applied for before any subsequent Planning Act applications.</p> <p>CHIAs are used to evaluate potential development and site alteration of protected heritage properties and demonstrate how the heritage attributes of the heritage property will be conserved through mitigative measures and/or alternative development approaches as required.</p> <p>CHIAs shall be prepared in conformity with the City’s Heritage Impact Assessment Guidelines. The CHIA report shall be submitted for review by Planning staff and the Hamilton Municipal Heritage Committee prior to acceptance of the report as being complete or the clearance of any conditions on any development approvals.</p> <p>The Cultural Heritage Impact Assessment will also be forwarded to the Policy and Design Working Group of the Hamilton Municipal Heritage Committee for their review and comment prior to acceptance of the report as being complete or the clearance of any conditions on any development approvals.</p> <p>Any recommendations for alternatives or mitigative measures coming out of the Cultural Heritage Impact Assessment shall be reflected in subsequent Heritage Permit and Planning Act applications and may be included as conditions of future development applications.</p>
Proposed Notes:	

Development Engineering:

Recommendation:	Deny
Proposed Conditions:	
Comments:	<p>The Master Drainage Plan for Hamilton Beach requires side yard setbacks to be a minimum of 1.7m adjacent to an existing dwelling. The proposed 1.2 m side yard setback does not meet this requirement, therefore Development Engineering requests that Minor Variances #2 & #7 be denied.</p> <p>All proposed Grading and Drainage must be in accordance with Section 5 of the Master Drainage Plan for Hamilton Beach.</p>
Proposed Notes:	



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Building Engineering:

Recommendation:	Comments Only
Proposed Conditions:	
Comments:	
Proposed Notes:	Be advised that Ontario Building Code regulations may require specific setback and construction types.

Transportation Planning:

Recommendation:	Comments and Conditions / Notes
Proposed Conditions:	<p>Transportation Planning has no objection to the severance application if the Owner dedicates the right-of-way as per the Hamilton Official Plan. Beach Boulevard is to be 26.213 metres. The existing right-of-way at the subject property is approximately ± 20 metres. Approximately ± 3.048 metres are to be dedicated to the right-of-way on Beach Boulevard, as per the Council Approved Urban Official Plan: Chapter C City Wide Systems and Dedications, 4.5 Road Network Functional Classification, 4.5.2. Collector Roads.</p> <p>a. A survey conducted by an Ontario Land Surveyor and at the Applicant's expense will determine the ultimate dimensions for the right-of-way widening.</p> <p>b. The Applicant's surveyor is to contact Geomatics and Corridor Management to confirm the right-of-way dedication requirements.</p> <p>c. Subject to the satisfaction and approval of the Manager, Transportation Planning.</p>
Comments:	
Proposed Notes:	The right-of-way dedication will affect the parking spaces.

Ministry of Transportation:

Recommendation:	Comments Only
Proposed Conditions:	
Comments:	The ministry has no comments regarding the proposed minor variance. However, please note that the subject property falls within the Ministry's permit control. Therefore, once severance is approved and individual addresses are assigned to the new lots, the proponent must obtain a Ministry Building and Land Use (BLU) permit pursuant to Section 34 (1) of the Public Transportation and Highway Improvement Act (PTHIA), R.S.O. 1990, Chapter P.50. Each lot must have a separate BLU permit. These



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STAFF COMMENTS

HEARING DATE: June 25, 2024


	permits must be approved prior to commencing any construction activities. HCMS - Apply for a permit - Application for Building and Land Use permit. Please note that Severance Application No. B.24.30 must be reviewed by the ministry's planner, and the planner's comments must be received before the application can be approved.
Proposed Notes:	

RE: June 25, 2024 COA Agenda Available - 1007 Beach Blvd, Hamilton

Boucetta, Alexandra (MTO) <Alexandra.Boucetta@ontario.ca>

Tue 6/11/2024 2:44 PM

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

 1 attachments (51 KB)

A.24.11 - 1007 Beach Blvd, Hamilton.docx;

Application: A.24.11**Address: 1007 Beach Blvd, Hamilton**

To whom it may concern:

The ministry has no comments regarding the proposed minor variance. However, please note that the subject property falls within the Ministry's permit control. Therefore, once severance is approved and individual addresses are assigned to the new lots, the proponent must obtain a Ministry Building and Land Use (BLU) permit pursuant to Section 34 (1) of the Public Transportation and Highway Improvement Act (PTHIA), R.S.O. 1990, Chapter P.50. Each lot must have a separate BLU permit. These permits must be approved prior to commencing any construction activities. [HCMS - Apply for a permit - Application for Building and Land Use permit](#)

Please note that Severance Application No. B.24.30 must be separately reviewed by the ministry's planner, and the planner's comments must be received before the application can be approved.

Thank you,

Alexandra Boucetta

Corridor Management Officer | Corridor Management, Central Region West | Operations Division
Ministry of Transportation | Ontario Public Service
416-816-4719 | alexandra.boucetta@ontario.ca

*Taking pride in strengthening Ontario, its places and its people*

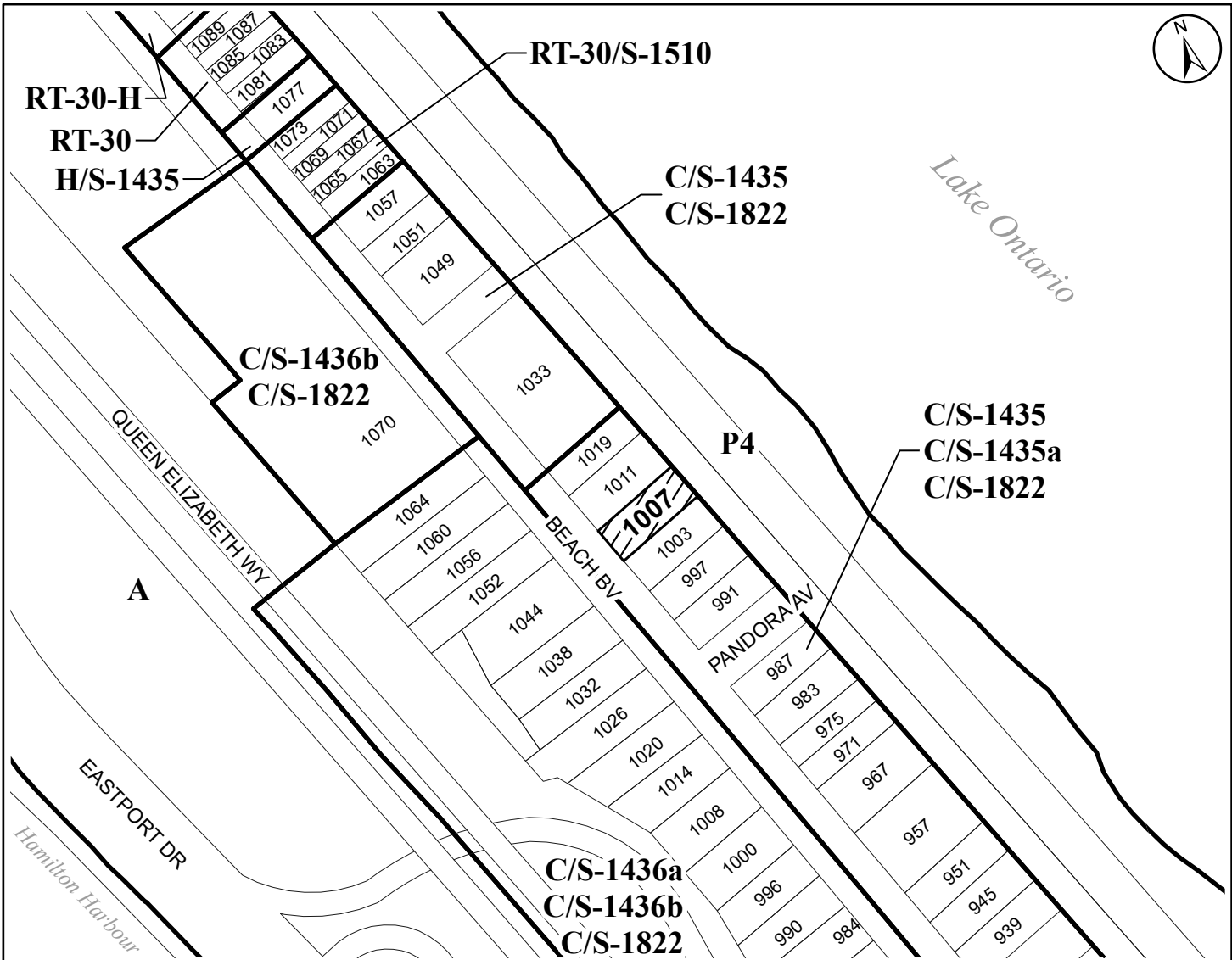
From: Committee of adjustment <cofa@hamilton.ca>**Sent:** Thursday, June 6, 2024 12:09 PM**To:** Committee of adjustment <cofa@hamilton.ca>**Subject:** June 25, 2024 COA Agenda Available

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Good Afternoon,

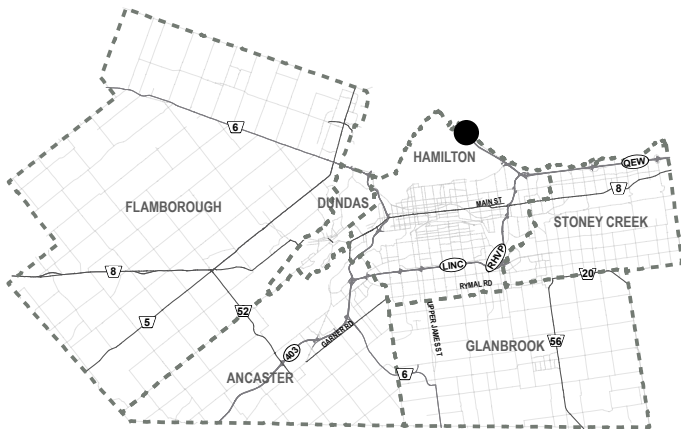
Attached is a copy of the Agenda for the **June 25, 2024** Hybrid Hearing date, please follow the link below for a copy of the submitted materials.

www.hamilton.ca/committeeofadjustment

(Please allow enough time to download, as the files are sometimes very large.)



● Site Location



City of Hamilton

Committee of Adjustments

Subject Property



1007 Beach Boulevard, Hamilton
(Ward 5)

File Name/Number:

A-24:112

Date:

June 11, 2024

Technician:

SH

Scale:

N.T.S.

Appendix "A"



Hamilton