



Hamilton

STAFF COMMENTS

HEARING DATE: June 25, 2024

A-24:113 – 132 Stone Church Road East, Hamilton

Recommendation:

Approve

Proposed Conditions:

Proposed Notes:



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Development Planning:

Background

	Frontage	Depth	Area
SEVERED LANDS:	12.2 m±	52.03 m±	604 m ² ±
RETAINED LANDS:	12.2 m±	51.9 m±	604 m ² ±

The purpose of Consent application B-24:31 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. Staff note that Minor Variance application A-24:113 is a concurrent application to facilitate the proposed severance.

Analysis

Urban Hamilton Official Plan

The subject lands are identified as “Neighbourhoods” in Schedule E – Urban Structure and are designated “Neighbourhoods” in Schedule E–1 Urban Land Use Designations of the Urban Hamilton Official Plan. Policies E.3.4.3, B.2.4.1.4, B.2.4.2.2, B.3.6.3.7 and F.1.14.3.1, amongst others, are applicable and permit the proposed future single detached dwellings.

Policy B.3.6.3.7 b) requires a noise feasibility study, detailed noise study or both for residential developments within 100 metres of a minor arterial road, as identified on Schedule C – Functional Road Classification. The subject lands front onto Stone Church Road East, which is identified as a minor arterial road on Schedule C – Functional Road Classification of the Urban Hamilton Official Plan. Therefore, staff are recommending a condition requiring a noise study be provided to confirm conformity with the policies regarding sensitive land use developments.

Policy F.1.14.3.1 states that consents for new lot creation within the “Neighbourhoods” designation shall be permitted if the lots comply with the policies of the Urban Hamilton Official Plan and Secondary Plans where one exists, if the lots comply with existing Neighbourhood Plans, they reflect the general scale and character of the surrounding area, are fully serviced by municipal services and have frontage on a public road.

Staff note that both the retained and severed lands have frontage onto a public road and are serviced by municipal services. Staff also note that the proposed severed and retained lots do not comply with the minimum lot width and lot area requirements of Former City of Hamilton Zoning By-law No. 6593,



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with Minor Variance application A-24:113 is being concurrently considered to address these non-conformities.

Policies B.2.4.1.4 and B.2.4.2.2 provide policies to evaluate residential intensification, generally considering compatibility with the existing neighbourhood (in terms of scale, character, built form, land use conflict, etc.), contribution to a range of housing types, municipal services capacity, how proposed lots relate to the established lot fabric of an area, and more. Staff are of the opinion that the proposed severed and retained lots will maintain the general character, scale and built form of the existing neighbourhood and are compatible with the existing lot fabric and established development pattern of the area.

Ryckmans Neighbourhood Plan

The subject lands are identified as “Single and Double” on Map 7508 of the Ryckmans Neighbourhood Plan. The proposed single detached dwellings are consistent with the vision of the Neighbourhood Plan.

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. **Staff recommend approval of the proposed severance.**

Archaeology

No comment.

Cultural Heritage

No comment.

Former City of Hamilton Zoning By-law No. 6593

The subject lands are zoned “B” (Suburban Agriculture and Residential, Etc.) District in Former City of Hamilton Zoning By-law No. 6593. The proposed single detached dwellings are permitted uses. The severed and retained lands are proposed to have lot widths of 12.2 metres and lot areas of 604 square metres. The proposed severed and retained lots do not meet the minimum lot width requirement of 20 metres or the minimum lot area requirement of 1,100 square metres. Staff note Minor Variance application A-24:113 was submitted to address these non-conformities.

Variations 1 and 2

1. To permit a minimum lot area of 600 square metres whereas 1,100 square metres is required.
2. To permit a minimum lot width (frontage) of 12 metres whereas 20 metres is required.



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The intent of these provisions is to ensure lots are large enough to be viable building lots while also maintaining a development pattern consistent in built form and character with the surrounding area.

Staff note that the proposed single detached dwellings are consistent with the predominant built form of the area. Staff further note that the lot fabric of the area varies significantly, including large lots along Stone Church Road East (approximately 20 to 30 metres in width and 1,200 to over 2,000 square metres in area) and smaller lots similar in lot area and width to the proposed severed and retained lots (approximately 12 to 15 metres in width and 400 to 600 square metres in area). Staff are of the opinion that the proposed lot widths and areas are compatible in character, scale, lot fabric and the established pattern of development in the area. Staff support the variances.

Variance 3

- 3. To permit a side yard setback of 1.2 metres whereas 3 metres is required.

The intent of this provision is to ensure sufficient space is maintained for drainage, access and maintenance purposes. Staff defer to Development Engineering staff regarding drainage concerns.

Staff are of the opinion that a 1.2 metre setback maintains sufficient space for access to the rear yard of the proposed lots and for maintenance purposes within the side yard. Staff support the variance.

Based on the foregoing, staff are of the opinion that the requested variances meet the four tests of a minor variance. **Staff recommend approval of the variances.**

Zoning:

Recommendation:	Comments Only
Proposed Conditions:	
Comments:	
Proposed Notes:	ii. Minor Variances are to facilitate severance application B.24.31.

Natural Heritage:

Recommendation:	Comments Only
Proposed Conditions:	
Comments:	As per application B-24:31, trees appear to be located within the subject property. In order to facilitate the creation of a new lot, these trees may be impacted. As a result, a Tree Protection Plan and Landscape Plan have



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	been identified to be submitted. This information is to be used in the design of the building envelope.
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 Planning Act and Section 2.6.2 of the Provincial Policy Statement apply to the subject application.</p> <p>As part of a previous severance application (HM/B-21:35), staff required an archaeology assessment be completed on the severed portion of the property. The ministry letter signing off on a stage 1 and 2 assessment was also included with this application (P389-0585-2022).</p> <p>Staff have no further comments on the application as circulated.</p> <p>Cultural Heritage:</p> <p>No Comment.</p>
Proposed Notes:	

Development Engineering:

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

Building Engineering:

Recommendation:	Comments Only
Proposed Conditions:	
Comments:	
Proposed Notes:	A building permit is required for the construction of the proposed single detached dwellings.



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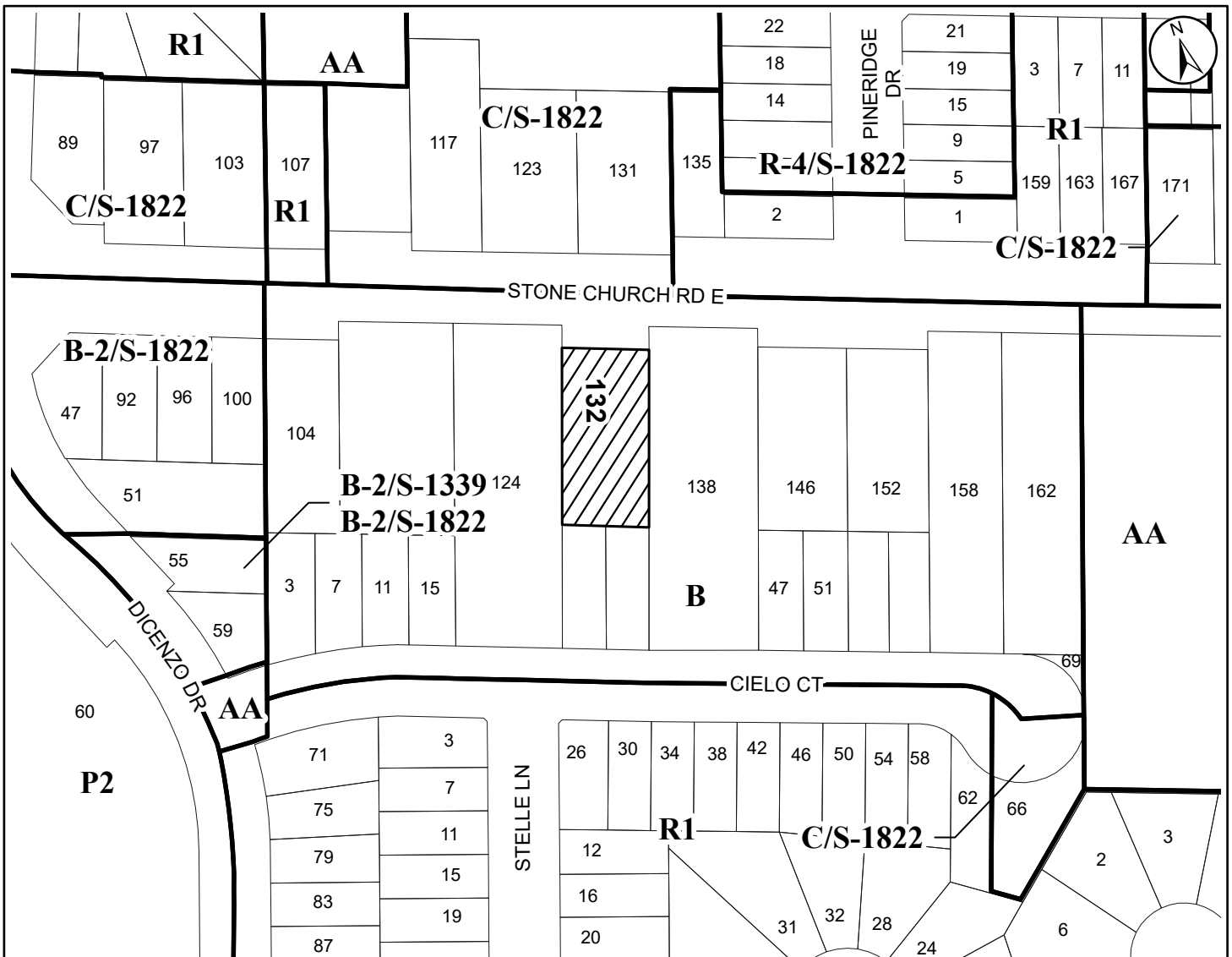
STAFF COMMENTS

HEARING DATE: June 25, 2024

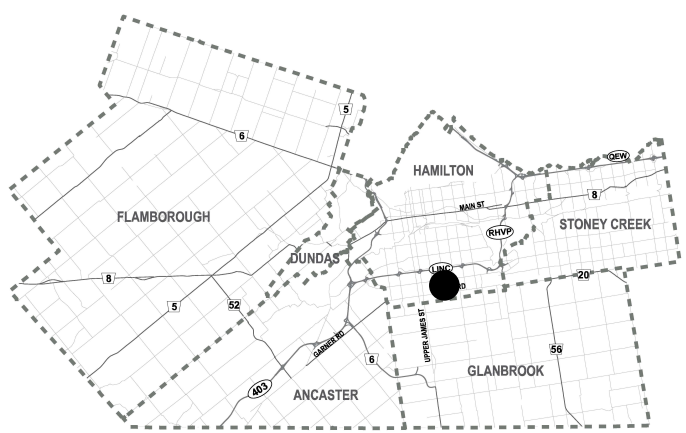
	Be advised that Ontario Building Code regulations may require specific setback and construction types.
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Transportation Planning:

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




● Site Location



City of Hamilton

Committee of Adjustments

Subject Property

 132 Stone Church Road East, Hamilton (Ward 8)

File Name/Number:

A-24:113

Date:

June 12, 2024

Technician:

AL

Scale:

N.T.S.

Appendix "A"



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